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The League  
from  
Year to Year

(October 1st, 1928 — September 30th, 1929)

INFORMATION SECTION

W. L. BRYAN  
LEAGUE OF NATIONS

GENEVA

## NOTE

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**F.A.L-84**

This pamphlet is the third of a series published by the Information Section of the Secretariat of the League of Nations, describing the work of the League during the period between two Assemblies.

The first pamphlet of this series covered the period from October 1st, 1926, to September 30th, 1927, the second the period from October 1st, 1928 to September 30th, 1929. A summary of the League's work from 1920 to 1926 is contained in the pamphlet : "The League of Nations—A Survey."

*January 1930.*

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# THE LEAGUE

## FROM YEAR TO YEAR

(October 1st, 1928 — September 30th, 1929)

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### INTRODUCTION

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Important developments in the organisation of peace were a characteristic feature of the League's work in 1929. Progress was also made in the technical and humanitarian work of the League; on economic questions, the advance was sometimes slower than had been hoped, but in social and humanitarian matters a great deal was accomplished.

Political events, such as the coming-into-force of the Paris Pact, the Anglo-American conversations on naval disarmament and the Hague Conference on the Young Plan influenced the activities of the League of Nations, which, by its very existence, was a factor in the origin and development of these events. During the general discussion on the report of the Council at the Tenth Assembly, several delegates pointed to this inter-action between the League and current political events. Others, in view of the approach of the League's tenth anniversary, reviewed its achievements during the last ten years and spoke of its future and the development of international relations.

### MAINTENANCE AND ORGANISATION OF PEACE

The coming into force of a collective Treaty of conciliation, judicial settlement and arbitration, known as

the General Act for the Pacific Settlement of Disputes, was one of the most important events of the year. This Act came into force as the result of the accession of Belgium, Norway and Switzerland. At the Tenth Assembly, the Czechoslovak, Danish, Finnish, French, Greek, Irish and Latvian delegates announced that their Governments would shortly accede.

Another feature was the acceptance by a considerable number of States of the compulsory jurisdiction of the Permanent Court of International Justice, as recommended by the British Prime Minister, Mr. Ramsay MacDonald, at the beginning of the Tenth Assembly. When the First Assembly rose in December 1920, only three States—Panama, Portugal and Switzerland—had acceded to the Optional Clause of the Court Statute, the acceptance of which entails recognition of the Court's compulsory jurisdiction for legal disputes. Between the First and the Tenth Assemblies fifteen other States, including one great Power (Germany), accepted the Court's compulsory jurisdiction. In September 1919, during the Tenth Assembly, fifteen further States, including three great Powers, France, Italy, Great Britain and all the Dominions, signed the Optional Clause. With the exception of Greece, these States signed *ad referendum*.

It is thus possible to measure the advance made in ten years, and, if it be added that the year 1929 saw the preparation and signature of the texts designed to facilitate the accession of the United States to the Court and to confer upon that body the character of a permanent international tribunal with the necessary juristic competence and experience of international affairs, it will be realised that considerable progress has been made with arbitration as a method for the pacific settlement of international disputes.

The coming into force of the Paris Pact led the British delegation to suggest to the Assembly that the Covenant should be reconsidered with a view to bringing certain of its clauses into harmony with that Pact.

In this connection must be mentioned the endeavours to strengthen the guarantees provided by the Covenant for the prevention of war. These studies concern financial

assistance for States in the event of war or of a threat of war, and the strengthening of means of preventing war. These two questions were thoroughly discussed during the last Assembly with a view to embodiment in a Convention.

The Preparatory Commission for the Disarmament Conference resumed its examination of the Draft Convention of 1927, of which it discussed several of the essential chapters, in particular those dealing with the limitation of effectives and material. The American representative made an important statement concerning the general principles of disarmament and the special problem of naval disarmament, which was the starting-point of the Anglo-American negotiations for the London Naval Conference. The Commission adjourned to give the Governments concerned time to reach an agreement which, in the Assembly's view, would enable the Commission itself to come to a general understanding with regard to methods of reduction and limitation of naval armaments. It was understood that Governments would inform the Chairman of the Commission of the progress of their negotiations so as to enable him to reconvene the Commission as soon as possible, with a full knowledge of facts.

As an example of the League's work for the maintenance of peace may be mentioned its intervention in the dispute which arose towards the end of 1928 between two of its Latin-American Members, Bolivia and Paraguay. Although the Council, then in ordinary session, had not been officially seized, it immediately requested its Acting President, M. Briand, to send both parties a telegram reminding them of their status as Members of the League and of the obligation which that status laid upon them to settle by peaceful means any disputes between them. Two days later, having received from both parties the assurance of their attachment to the principles of the Covenant, the Council invited them to make use of any one of the methods of peaceful settlement prescribed by the Covenant, and to abstain from any military or other measures calculated to aggravate the dispute. As a result of this prompt action, hostilities were speedily suspended, and the mediatory methods and machinery



provided for Latin-American States were again brought into play. Latin-American delegates to the Assembly expressed the opinion that the Council's action had been instrumental in promoting co-operation between the League and Latin-American countries.

As regards the *protection of minorities*, the Council, at the request of two of its members, M. Dandurand (Canada) and the late Dr. Stresemann (Germany), proceeded, for the first time, to a thorough examination of the minority problem as a whole from the twofold point of view of principles and procedure.

After public and private discussions, which occupied the greater part of the Council's March and June sessions, meetings of a Committee of three of its members in the interval, and an examination of a great number of documents and memoranda from fifteen Governments, the Council adopted its final resolution of June 13th, 1929. It was impossible to reach agreement on questions of principle such as the nature and extent of the League's guarantee and the powers and duties of the Council; but an agreement was reached as regards procedure, and the Council unanimously adopted a series of regulations for the examination of petitions, which will be added to the procedure already in force.

#### INTERNATIONAL CO-OPERATION

The considerable mass of work dealt with by the Economic Organisation in 1929 concerned the conclusion or preparation of conventions on various questions such as statistics and counterfeit currency, and the drafting of model conventions on double taxation and tax evasion. The Economic Committee drew up a formula for the most-favoured-nation clause calculated to surmount the difficulties to which the application of this clause had hitherto given rise. It undertook enquiries into the international aspect of the coal and sugar problems and pursued or initiated investigations concerning industrial agreements, Customs nomenclature, veterinary control, the exploitation of the riches of the sea, the suppression of smuggling, etc.

It nevertheless appeared, after a comprehensive survey of the economic situation, that the application of the recommendations of the 1927 Economic Conference, approved in principle by all Governments, was neither general nor strict enough, and that the current of opinion in favour of the suppression or reduction of Customs barriers, which had followed upon the affirmation by the Conference of the necessity of putting an end to the increase of tariffs and of moving in the opposite direction, had not had the desired results. In the words of Dr. Breitscheid, Rapporteur of the Second Assembly Committee, "there has up to the present been no change in the fundamental conception of the commercial policy of States. In these circumstances many are wondering, with increasing anxiety, whether the methods hitherto followed will ever lead us out of the present state of disorder, or whether it would not be preferable to seek new methods".

With these apprehensions originated the idea of a Customs Truce—submitted by the Belgian delegate to the Assembly, M. Hymans, and taken up and developed by the British delegate, Mr. Graham—which would bind signatories not to *increase* their tariffs during a given period to be considered as preliminary to a *reduction* of tariffs. Negotiations for the conclusion of the truce and the subsequent agreements will not be left to technicians only; Governments themselves will be called upon to intervene more directly than has hitherto been the case.

The Financial Committee, whose past activities included schemes of financial reconstruction and the settlement of refugees in certain parts of Europe, is now endeavouring to adapt its work to changed conditions. Following the Conference on Double Taxation and Tax Evasion, a new organisation was created in relation with the Financial Committee—the Fiscal Committee, whose principal duty will be to advise the Council on all questions concerning taxation.

The work of the Transit and Health Organisations continued in normal conditions. In this connection must be mentioned the conclusion of an international agreement on transit cards for emigrants, the preparation of three conferences (on river law in Europe, buoyage and lighting of coasts, transport of newspapers and periodicals) and

preliminary studies of the international regulation of commercial motor traffic and the taxation of foreign motor vehicles.

The Health Organisation held conferences on anti-tuberculosis vaccination and sleeping-sickness, and undertook or completed research work concerning syphilis, infantile mortality and cancer. But the outstanding new feature in its work was its co-operation with certain Governments (Greece, Bolivia and China) in the re-organisation of all or part of their health services.

As regards intellectual co-operation, the International Committee reviewed the work done since its creation in 1922 and decided to proceed to a systematic revision of work, its aims and organisation.

In the social and humanitarian field, the most important event was the acceptance by drug manufacturing countries of the principle of the limitation of manufacture by international agreement. The Permanent Central Opium Board, instituted under the Geneva Convention of 1925, took up its duties, and a Commission of Enquiry into opium smoking was appointed and left for the Far East.

The Commission for the Protection and Welfare of Children and Young People studied the conditions in which the enquiry concerning the traffic in women could be pursued and extended to Eastern countries. It prepared draft international conventions dealing with the repatriation of children and young people and the assistance of foreign minors.

The Refugee Commission, constituted on the recommendation of the 1928 Assembly, decided for the time being not to contemplate a radical solution of the refugee question, but to maintain the High Commission. It laid down the conditions for the speedy termination of the refugee relief work.

#### THE TENTH ASSEMBLY

A considerable part of the work described in the foregoing pages must be placed to the credit of the Tenth

Assembly. Its meetings were the most largely attended on record, fifty-three of the fifty-four States Members being represented, including Bolivia, Honduras and Peru who, for several years, had not sent delegates. It was during this session that fifteen States acceded to the Court's compulsory jurisdiction, that the protocols concerning the revision of the Court Statute and the accession of the United States were opened for signature, and that a scheme for a Customs truce and the principle of the limitation of drug manufacture were adopted.

Below are some of the principal passages of the speeches made at the Assembly on the general progress and position of the League.

*1. The League and the Consolidation of Peace.*

*M. Hymans (Belgium) :*

Whether we look back over the past ten years or merely estimate the efforts put forth in recent years, we observe a continual improvement in the political and economic situation of Europe and in its consolidation. We can foresee the approach of a new epoch, the awakening of a new spirit.

*M. Stauning (Denmark) :*

During the first three years of the League of Nations a gigantic task was accomplished in carrying out the vast work of reconstructing a Europe still reeling under the upheaval of war.

Since that period the work of recuperation and political pacification has been progressing slowly but surely.

The first delegate of France, *M. Briand*, gave the League the principal credit for the change which had taken place in international relations :

Anything, he said, that has been accomplished during the last few years has been due to the inspiration of the League; certain things, rightly held up to admiration on this platform, would not have been possible had not the League, by virtue of its acts and the confidence it inspires, created a favourable atmosphere throughout the world. Locarno, to which we owe the presence here of the German delegation—with which as

representative of France I am glad to collaborate—was born of the League, and the Pact of Paris, which has been mentioned here, although it might seem to have been conceived outside the League, was also brought into being by its inspiration.

*M. Bouroff* (Bulgaria) :

Although the League may not always have taken the direct initiative in the work of international pacification and concord, its spirit is always at work, its unseen presence is felt in every international dispute. It makes the strong more moderate and gives confidence to the weak, and thus facilitates the peaceful settlement of disputes.

The following delegates considered that the Hague Conference exemplified the views put forward in these statements :

*M. Adatci* (Japan) :

The Tenth Assembly of the League of Nations is opening in a special atmosphere created by the settlement effected on Saturday last at The Hague. I am particularly glad to note this, because, in my opinion, the work which has just been so happily accomplished is fully in accord with the great spirit of our Geneva organisation.

Referring to the difficulties of the negotiations which had just taken place at The Hague, *M. Briand* said :

We persevered because we realised that to separate in such circumstances, without achieving our purpose, would mean a shattering blow to all the League's work towards this same end . . . I asked myself what would happen when the Government delegates at The Hague, if they failed to reach agreement on the programme laid down at Geneva a year ago, appeared among their fellow-members of the League. I asked myself what would be the atmosphere of this Assembly should such a disaster come to pass. The mere thought of that contingency gave me fresh strength and courage.

*Mr. Henderson* (British Empire) :

It is of vast importance not only to the four great Powers which joined together in this great act of reconciliation, but it is of the highest importance to every Member of this League of Nations that, by our actions at The Hague, we have at

long last taken the final step for bringing the world war to an end.

*Dr. Stresemann* (Germany) :

I hope that the League will continue sympathetically to follow the negotiations between the countries directly concerned. The fact that, in past years, we have refrained from openly expressing our feelings on this question here, and have continued quietly to collaborate in the work of the League, may be regarded as a proof of our confidence in the high aims which we are called upon to prosecute at Geneva.

## *2. The Progress made.*

Numerous delegates from different continents emphasised the progress of the League idea in world public opinion and the results already obtained.

*M. Hymans* (Belgium) :

I cannot leave this platform, whence I look down over this imposing gathering, including so many eminent statesmen, without recalling the first session of the Assembly held ten years ago. At that time we were without chart or guidance. We were embarking on an enterprise full of anxiety, an enterprise that was met with hostility, derision, scepticism. Some said we were launching a great experiment, they were the optimists. Others, again, said we were embarking upon an adventure. Well, we have had our adventure and we are now on firm ground. Our experiment has succeeded. We have served, and will continue to serve, a great ideal which is becoming more and more an inspiration to the younger generation. They are urging us on. They it will be who will reap what we have sown; and of this I am sure, that they in their turn will sow fresh seed.

*M. Briand* (France) :

It is now ten years since the League of Nations came into existence. No one can say that these ten years have been wasted. The fullest possible use has been made of them. The work has extended to every field of endeavour. Much that has been done has failed to attract international attention, not being of a political character, but that work is none the

less among the League's most important activities. It has passed on victorious, despite attacks upon the way. It has vanquished what constituted the most redoubtable foes for an institution of this kind—it has risen triumphant over scepticism and derision.

Doubt is non-existent nowadays where the League is concerned. A close interest is taken in its work, which forms the subject, in the large majority of countries, of sympathetic and very real enthusiasm. It enjoys universal confidence and has built up a moral capital which is without parallel in the history of the world.

*M. Costa du Rels (Bolivia) :*

We have seen with our own eyes the slow but steady progress made towards the ideal which the League offers as an objective to peoples of goodwill. We have never ceased to believe in the League, and we have come here now, impelled by the conviction that a man-made and hence an artificial institution cannot live or renew its vitality unless harmony exists between its component parts.

*M. Venizelos (Greece) :*

More and more each day the League is moulding public opinion, turning it against war and guiding it towards peace. Its technical work and its efforts in the political field have sometimes seemed fruitless because they have not always led to immediate practical results. Nevertheless, the continual contact between nations which is established here, the systematic study of their economic and social difficulties, the consideration of the means to prevent war, the attempt to prohibit the use of inhuman methods of destruction, are all helping to drive home the lessons of the last war and, consequently, to strengthen the will for peace.

*M. Quinones de León (Spain) :*

In its ten years' existence—a short period for such an institution—the League has laid before the world a series of strikingly successful results . . . All of us who have never ceased to believe in the success of this great international institution—even at the most difficult moments—all of us who have seen it being organised, taking its first steps in life, facing and solving grave problems, with a profound faith in its future, may proclaim, as we look back along the way we have come and see the outstanding features of its most important stages, that the League of Nations does exist, that

the League, the reality of whose existence none dare now deny, offers the world the surer guarantee for the maintenance of peace and the progress of civilisation that mankind has ever been able to conceive.

*Count Apponyi (Hungary) :*

In spite of any reservations I have made, in spite of imperfections which I still perceive and certain disagreeable and unedifying experiences which I meet with daily, I do realise that great progress has been made in this Assembly towards the goal which we have set before us, towards those objects for which the League of Nations was set up. I realise that an immense amount has been done to ensure peace, inasmuch as great and small countries alike have undertaken to submit their disputes to a judge or arbitrator and that the great Powers have thus voluntarily renounced the advantages ensuing from their material position, so that the small nations can now feel greater confidence. The new dispensation will take into account the feelings and interests of these small nations equally with those of the great Powers.

*Mr. William Marr (Australia) :*

If it were asked what phase of international politics looms most prominently in the public mind to-day and most continually engages the public interest, it may confidently be said that it is the efforts made here at Geneva in both formal and informal conference to find a sure means of averting war . . .

A survey of the whole work of the League in all its various activities will, I believe, lead us to say that greater than all its Conventions and its resolutions is the educational value of its work in strengthening the will for peace, that will being based on knowledge and understanding.

*M. Urrutia (Colombia) :*

During this initial phase, the League has flourished and grown, and has at the same time made such astounding progress and accomplished work of such transcendent merit and profound significance that even the most sceptical or biased have been forced to pay their tribute.

The League has already made a positive contribution in the matter of eliminating armed conflicts. It has put obstacles in the path of war and has promoted the development of international relations on the widest possible basis of moral and economic solidarity.



*Mr. McGilligan (Irish Free State) :*

During these years, in all the difficulties which threatened peace, the spirit which prevailed was the spirit of the League. Slowly, perhaps, but very surely, that spirit is being enshrined in covenants between the peoples of the world . . . It is no small thing that in the first decade of the League's existence such a spirit should have prevailed, that in such an atmosphere problems resulting from the world war have been investigated and classified. We do not think it too much to hope that, at the beginning of a new decade, the way has been pointed and the spirit has been formed along and in which these problems may at last be solved.

### *3. Future Rôle of the League.*

*M. Hymans (Belgium) :*

We are about to enter upon the second stage. It is our duty to improve and perfect the mechanism, the organisation, the equipment of the system of law and co-operation that we have founded, to broaden the path of peace and set up barrier after barrier on the roads whence war might come.

Dr. Benes (Czechoslovakia) said he considered the League as the principal organising factor in the establishment of peace :

This work, he said, now devolves entirely upon the League—for now the big and dangerous problems of the war settlement can be regarded as solved in principle.

I do not think indeed, that the present session of the Assembly appears to me to be characterised by a tone of wisdom and unaccustomed tranquillity of mind. Not that it is of less importance than previous sessions—on the contrary. It reflects, in my view, just what I have been describing : the consciousness we all feel that, despite perpetual difficulties, we are drawing away from the period when we were chiefly preoccupied with the general situation and certain big events and general political problems, and are entering upon a new period when we shall see the successive results of the normal and regular working of the League—a slow but steady process—becoming every day more marked, and passing from daily preoccupations as to the general political situation to definite and concrete questions of post-war world re-organisation.

#### 4. *The Organisation of Europe.*

*M. Briand :*

I think, that among peoples constituting geographical groups, like the peoples of Europe, there should be some kind of federal bond; it should be possible for them to get into touch at any time, to confer about their interests, to agree on joint resolutions and to establish among themselves a bond of solidarity which will enable them, if need be, to meet any grave emergency that may arise. That is the link we want to forge.

Obviously, this association will be primarily economic, for that is the most urgent aspect of the question, and I think we may look for success in that direction. Still, I am convinced that, politically and socially also, this federal link might, without affecting the sovereignty of any of the nations belonging to such an association, do useful work.

Supporting this idea, the late *Dr. Stresemann*, while rejecting any policy directed against any special continent, strongly emphasised that the organisation of Europe no longer corresponded to modern conditions :

What are the things that appear so extraordinarily absurd about Europe and its construction, from the economic point of view? It is absurd to me that Europe should appear not to have progressed, but to have gone back. Look at Italy. We can scarcely imagine there being no united Italy, or the different parts of what we now call Italy being separate economic entities and fighting against one another. Nor can we conceive without a smile what Germany was like before the Customs Union, when merchant ships from Berlin were held up in the Elbe because some other Customs system began at the frontier of Anhalt. Just as these are ideas which strike us as quaint and mediæval and which we have long outgrown, so there are many things in the New Europe which give a very similar impression.

Is it not absurd that modern invention should have reduced the journey from South Germany to Tokio by twenty days, while in Europe itself hours are wasted stopping at frontiers for Customs inspections, as if Europe were a sort of little huckster's shop still open beside the big world emporium. New industries are founded for reasons of national prestige; they must be protected, must seek new markets and are rarely able to find profitable ones in their own country.

Where is the European coinage, where are the European stamps that we need? Are not these subdivisions born of national prestige long since out of date, and do they not do our continent an immense amount of harm, not only in the relations between various countries but also in those between Europe and other continents?

As a result of the elections of September 9th, Peru, Poland and Yugoslavia received seats on the Council. Poland was elected for the first time in 1926 and in 1929 stood again in virtue of a decision of the 1926 Assembly recognising her as re-eligible. Yugoslavia and Peru succeeded respectively Roumania and Chile. The session which the Council held immediately after the elections was the last to be attended by the late Dr. Stresemann.

Dr. Stresemann died in Berlin on October 2nd, 1929. As soon as this information was brought to his knowledge, the Acting President of the Council, Ali Khan Foroughi sent the German Chancellor a telegram voicing the unanimous regret of the Council for the loss it had suffered in the person of one of its most distinguished members, who had powerfully contributed to the League's development. The Secretary-General of the League sent a telegram expressing the deep regret of the Secretariat and its respectful sympathy with the German Government and people in the great loss they had suffered by the death of the eminent statesman whose forceful action in the League had been admired by all who had worked with him at Geneva.

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## CHAPTER I

### ARBITRATION — SECURITY — DISARMAMENT

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I. *Arbitration*. — II. *Security*: Draft Convention on Financial Assistance; Model Treaty to strengthen Means of preventing War; League Communications in Times of Emergency. — III. *Reduction of Armaments*: Sixth Session of the Preparatory Commission for the Disarmament Conference; The Assembly and the Reduction of Armaments; Manufacture of Arms, Munitions and Implements of War. — IV. *Right of Investigation*: Termination of the Inter-Allied Military Control in Austria.

#### I. — ARBITRATION

The coming into force of the General Act for the Pacific Settlement of Disputes and the acceptance by numerous States of the compulsory jurisdiction of the Permanent Court of International Justice were the principal features of the work in connection with arbitration.

The General Act for the Pacific Settlement of Disputes came into force on August 16th, 1929. For this purpose, neither negotiations nor signatures were necessary, as it had been stipulated that the Act should come into force as soon as two States had notified their accession to the whole or part of that instrument, which would then remain indefinitely open for the accession of other States.

Sweden was the first to accede and was followed shortly after by Belgium and Norway. Sweden and Norway acceded to chapters 1 and 2 of the General Act, *i.e.*, provisions regarding conciliation and judicial settlement. Belgium acceded to the Act as a whole, namely, to the provisions dealing with conciliation, judicial and arbitral settlement. At the Tenth Assembly, the Danish, Finnish, French, Greek, Irish, Latvian and Czechoslovak delegates announced their intention of acceding to the General Act.

The Roumanian Government expressed its willingness to conclude with all States Members or non-Members of the League conventions or treaties based on models prepared last year by the Arbitration and Security Committee (model bilateral conventions for the pacific settlement of international disputes, model collective treaties for mutual assistance, a collective treaty of non-aggression, a bilateral treaty of non-aggression; the model treaty to strengthen means of preventing war).

Fifteen States acceded during the Tenth Assembly to the Optional Clause of the Court Statute concerning the Court's compulsory jurisdiction (1).

## II. — SECURITY

As regards the general question of security, action was taken with a view to facilitating the application of the system provided by the Covenant for the maintenance of peace and to imparting to States Members a feeling of increased security. In this connection the principal decisions concerned the following questions :

### A. — *Draft Convention on Financial Assistance.*

The object of the Draft Convention on Financial Assistance prepared by the Financial Committee was to provide machinery by which the Council, as a measure to restore or safeguard peace, might authorise financial assistance to Members of the League involved in war or threatened by war.

The Convention contemplated that a loan would be obtained on the money market by the Government concerned on the general security of its revenues. It would be helped in so doing by the moral and material support of an international guarantee provided under the ægis of the League by the other Signatories.

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(1) For details on this subject, see chapter II on the Permanent Court of International Justice.

To be certain that no delay would occur at the moment of a crisis, it would be essential that the Convention should be ratified by the Signatories in such form that no further legislation would be required in connection with the guarantee.

Since, on the outbreak of hostilities, the credit of a belligerent country is likely to be low, lenders would require guarantees of a very substantial nature. The Convention provided such guarantees, furnished by a few financially strong Signatories. The loan would thus be guaranteed by the borrowing Government itself, by the Signatories to the Convention, and by certain financially strong Signatories.

The advantages to the borrowing Government would be the moral support of the League, the intrinsic value of the collective guarantee, the additional advantage of the special guarantee and the Signatories' promise of access to their markets.

The guarantors would only become liable should the borrowing Government be unable to meet its loan charges. In order to limit this contingent liability, the guarantors would be protected by a maximum limit on the total annual service guaranteed, a limit on the maximum annual liability, the responsibility of the borrowing Government, the provision for a reserve fund and the requirement of a unanimous decision of the Council before a guarantee were given in any individual case.

The draft was thoroughly examined by the Assembly, the discussion showing the sincere desire of all delegations to achieve practical results. At the same time, there were differences of opinion which made it impossible to proceed to the necessary amendment of the draft during the limited time at the Assembly's disposal.

The questions raised during the Assembly may almost all be classified under two distinct heads : those which are clearly financial and technical and those whose solutions depend upon political considerations.

The principal financial questions concerned the establishment of an international control over the loan service and the exclusion from the guarantee, in the interest of the loan, of a State situated in special circumstances.

The questions of a political character were (a) cases in which financial assistance may or should be given; (b) the connection between the Convention on Financial Assistance and the Disarmament Convention; (c) the procedure for the vote of the Council; (d) the authority which would have to settle disputes concerning the interpretation or application of the Convention.

(a) The question of the cases in which financial assistance should be given dominated the whole discussion. The Third Assembly Committee was unanimous in declaring that the Council should be *able* to accord such assistance to a Party to the Convention against which another State had, in violation of its international obligations, resorted to war. Many delegations would have preferred to stipulate that in such cases it would be the Council's duty to accord assistance. Secondly, many considered that the Council should be enabled to give assistance in case of a *threat of war*. There was, however, a wide difference of opinion as to the conditions under which financial assistance should be given in such a case.

(b) As regards the connection between financial assistance and disarmament, most of the delegates admitted the necessity for a link between the two Conventions and considered that the Convention on Financial Assistance should not come into force until a general disarmament convention in accordance with Article 8 of the Covenant had been brought into operation. The Convention on Financial Assistance should cease to have effect as soon as the Disarmament Convention ceased to be operative.

(c) The Third Committee considered that the decisions of the Council should require the agreement of all Members represented, other than the representatives of the Parties, when it concerned cases in which financial assistance could, or should, be given. All other decisions should be taken by a simple majority of the Members other than the representatives of the Parties to the dispute.

(d) The opinion was expressed that the Permanent Court of International Justice should settle cases of interpretation and that the Council should settle questions concerning the execution of guarantees.

The Assembly referred the financial questions to the Financial Committee and the political questions to the

Arbitration and Security Committee. These two organisations will endeavour to prepare a complete text which after being circulated to Governments, will be submitted to a special Conference or, at the latest, to the next Assembly for approval.

*B. — Model Treaty to strengthen Means of preventing War.*

In 1928, the Assembly, noting the work of the Arbitration and Security Committee, expressed the opinion that the adoption of the Model Treaty for preventing War drafted on the proposal of the German delegation would increase guarantees of security. It accordingly recommended that it should be examined by all States.

This year, the British delegation proposed that the Council should request the Arbitration and Security Committee to consider the possibility of establishing a draft general convention on the lines of the Model Treaty, which could be referred to Governments in time to enable them to indicate at the 1930 Assembly whether they would be prepared to accept it.

It was understood that the Arbitration and Security Committee could make any alterations necessary for the transformation into a general convention of a text designed for multilateral regional agreements.

It should be mentioned that the draft Conventions on Means of preventing War and on Financial Assistance are to some extent interdependent. From the discussion in the Assembly, it appeared that the establishment of a final text on financial assistance would be greatly facilitated by a preliminary discussion on methods of applying Article XI of the Covenant and the draft Convention on Means of preventing War.

*C. — League Communications in Times of Emergency.*

As the Council and the Transit Committee had finished their work on the legal, technical and financial aspects of the establishment of a wireless station, the Tenth



Assembly instructed the Secretary-General to make arrangements for the station to be put into operation as soon as possible.

Two solutions were submitted to the Assembly, one proposing that the League should own and operate the wireless station at all times, the station being utilised only for official business; the other, proposed by the Swiss Government, providing for the establishment of a station complying with all the League's requirements and capable of carrying out the League's programme. This station would be constructed at the League's expense, would be operated in general on its behalf, and would include a medium-wave station which has already been erected by the Swiss Government. In normal times, the station would be managed by the *Radio-Suisse* Company, subject to certain definite guarantees accorded to the League. In times of emergency, or when the Secretary-General considered it necessary, this station would pass under the exclusive management of the League.

The two solutions, therefore, did not differ as regards operation in times of emergency, nor as regards the guarantees accorded either to the League or to the Swiss Government. However, as the second solution, which provides for the management of the station by the League in times of emergency, offered certain advantages (including the medium-wave station), the Assembly decided in its favour.

It was stipulated that certain political, legal and technical guarantees should be given to the Swiss Government, the League of Nations and its Member States. The Assembly definitely recognised that the use of the station by the League could in no case be invoked against Switzerland as affecting her international responsibility. The Swiss Government would be represented in times of crisis by an observer. The Secretary-General would, in normal times, be represented by a delegate, and would also be represented on the Board of Directors of the *Radio-Suisse* Company.

The wireless station will include a short-wave station which will ensure communications with the various stations throughout the world. In times of emergency, it will allow of permanent communications between the

League and countries in danger of being involved in a conflict. It will be possible, as a rule, to pass these communications direct and not through intermediary countries, and as regards its communications the League will obtain the same independence as that afforded Governments by their national stations.

In normal times, the station will deal with telegrams between the Secretary-General and delegations and the greatest possible number of non-European States.

It will also provide a broadcasting service for circular telegrams, for information for the various Governments and Administrations and, if necessary, for the Press. It will facilitate the rapid transmission of important documents to distant countries and will thus strengthen the ties between the League and non-European States. By telephonic broadcasting, it will keep the public throughout the world better informed of the work of the League.

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As regards facilities to be granted aircraft engaged in transport of importance to the work of the League (journeys of League delegations and agents, transport of their mail), the International Air Navigation Commission, to which this question had already been referred by the Transit Committee, adopted certain texts for insertion in the International Air Navigation Convention of 1919. The texts define the juridical status of aircraft ensuring air communications affecting the League. The International Air Navigation Commission will meet again towards the end of the year to complete these texts and finish its work.

The Assembly instructed the Council, as soon as this work was finished, to ask the Arbitration and Security Committee to study measures to ensure that aircraft engaged in transport affecting the work of the League might be free, in times of emergency, to fly in such a way and over such territory as might be necessary for the purpose of their mission.

The League Secretariat and Governments will agree in advance with regard to regulations normal itineraries and possible exceptions.

### III. — REDUCTION OF ARMAMENTS

#### A. — *Sixth Session of the Preparatory Commission for the Disarmament Conference.*

The Permanent Commission for the Disarmament Conference sat at Geneva from April 15th to May 6th, 1929, with M. Loudon in the Chair (1). At its first meeting on April 15th in the morning, the Commission was not called upon to adopt an agenda in the strict sense of the word, but considered its procedure in regard to the Draft Convention of 1927, the German proposal concerning the exchange of information and observations submitted by Count Bernstorff and the Draft Convention presented the year before by the delegation of the Union of Soviet Socialist Republics. A few days later, the Commission added to its agenda proposals submitted by the Turkish delegation on criteria for the reduction of armaments and by the Chinese delegation for the abolition of compulsory military service.

In opening the session, the President observed that the negotiations between the Governments concerned—with whom he had kept in touch—had not resulted in agreed solutions which would make it possible at this juncture to foresee the final success of the Commission's work.

As I have said many times, he said, and now repeat once again : it will not be possible for the Commission to agree upon a draft Convention as a whole, laying down the principles of the limitation and reduction of armaments, until the Powers concerned have reached an understanding on certain points of capital importance upon which they have hitherto been divided . . . Let us hope that this will be before long. Public opinion is growing impatient, and rightly so. I have had a striking proof of this in the very large number of letters which, as President of your Commission, I have received during the last few weeks. These letters come mainly from labour organisations in different countries, some of them representing not thousands but millions of persons. These letters have

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(1) M. Loudon having fallen ill, one of the Vice-Presidents — M. Politis — took the Chair from April 30th to May 6th. At its first meeting, the Commission elected M. Cobián (Spain) to succeed M. Veverka as Vice-President.

been classified and are on view. They express the opinion that it is expected that the Preparatory Commission should complete its work as soon as possible so that a general convention may be concluded, thus fulfilling the solemn promises of disarmament made to all the nations of the world. A certain number of letters urge that the General Disarmament Conference should be convened for the year 1929 . . . We are glad to see public interest expressed in this way, and I venture to hope that, if it is supported and directed in all civilised countries by a Press conscious of its real responsibility in the matter, it will bring increasing pressure to bear upon Governments whose action in this field, more than in any other, depends on the will of the people.

He then submitted a programme of work. After some discussion, his proposals were accepted on the understanding that the questions which had remained in abeyance since 1927 should also be discussed. The Commission first considered the Soviet draft, the Chinese proposal being discussed in connection with the questions of effectives. The Turkish proposal was reserved, at the request of the Turkish delegation, for the Disarmament Conference.

The main work of the Commission concerned the draft Convention adopted in first reading in 1927. An important statement was made by the American delegate regarding the general principles of disarmament and the naval problem, to which the delegations most directly concerned replied. There were long discussions on several of the essential parts of the 1927 draft (effectives, in particular the limitation of trained reserves, the limitation of land armaments and material), and on several points new texts were adopted (certain articles of the chapters on Effectives, Material, etc.).

The Commission finally decided to adjourn in order to enable the Governments concerned to make a thorough examination of the American proposals on naval disarmament. These Governments were invited to inform the President of the programme of their negotiations so as to enable him to summon the Commission with a full knowledge of facts.

It is virtually impossible to reproduce here all the statements, reservations, amendments, counter-amendments, etc. discussed during the three weeks of the session.

All these documents figure in the Minutes of the Commission. The following analysis contains general indications on the principal points emerging from the discussion, namely : the Soviet draft and proposals; air warfare; general questions; the naval problem; the question of effectives and in particular the limitation of trained reserves; the limitation of material in reserve; the close of the session and future action.

Although these points are taken neither in chronological order, nor in the order of the discussion, it is thought that, subject to the above reservation, they may give a fairly complete and exact idea of the work of the Commission and the principal subjects dealt with.

1. *The Soviet Draft Convention and Resolution.* — Before this subject was discussed, M. Litvinoff made a statement criticising the early work of the Commission and urging that it should change its methods.

He then explained the principal provisions of the draft. The main principle of this Convention was the proportionate reduction of all elements of armaments (effectives, cadres, number of units, material, aggregate tonnage and tonnage by categories; numbers of aircraft; budgetary expenditure) based on the position at a fixed date. For military, naval and air armaments, countries were divided into three groups based on the scope of their armaments.

In each category, the coefficient of reduction was 50% for the strongest Powers; 33% for medium Powers and 25% for the weaker Powers. The States whose armaments had been fixed by the Peace Treaties formed a special group.

The Convention was intended to be completed by supplementary conventions regarding details of execution, to be ratified within six months from the coming into force of the principal Convention.

The Japanese, Chilean and French delegations explained why in their opinion the Commission could not take the Soviet draft as a basis of discussion. Their reasons may be summarised as follows :

1. The Soviet draft did not take account of the connection, established by the Covenant, between disarmament and security; one of the implications of the notion

of security was the examination of "the geographical situation and circumstances of each State." The very notion of security was, to some extent, proper to each State. The Soviet plan started from a mathematical and impersonal basis, which was rejected by the League organs some time ago.

2. The Soviet draft would lead the Commission to change its methods, and even to encroach upon the domain of the future Disarmament Conference. The Commission's instructions were merely to build up the technical framework of the Convention. It was for the Convention itself to fix figures.

3. Before the Soviet draft came into force fourteen special conventions would have to be concluded. Its application would result in anomalies. It would also involve inequality and injustice.

Count Bernstorff (Germany) expressed the hope that the fresh ideas contained in the draft would stimulate the work of the Commission. He recalled that, as stated by the German Chancellor, in September 1928, the first stage of disarmament could and must involve an appreciable reduction of the present situation of armaments—a reduction including all elements of military, naval and air armaments—and a guarantee of full and entire publicity in respect of all classes of armaments. He noted that these basic conditions were contained in the Soviet draft, which further provided a new and, to some extent, mechanical system designed to facilitate the fixing of figures. He concluded that it was not so much the method that was of importance as the aim in view, namely, an appreciable reduction of armaments.

Tevfik Rouchdy Bey (Turkey) observed that the Soviet draft contained very interesting and valuable principles and that it would be desirable to study it carefully before examining the draft Convention of 1927. The Turkish proposal should also be examined and discussed.

As the great majority of the Commission did not seem inclined to change its methods and to take the Soviet draft as a basis of discussion, M. Litvinoff asked that it should

express its opinion on three principles embodied in that draft, namely, the reduction of armaments, the proportional principle and numerical coefficients. To this end, he deposited a draft resolution asking the Commission :

To prepare a draft Convention based upon the principle of the appreciable reduction of existing armed forces;

To embody in the draft Convention methods of reducing armaments based upon the proportional principle or a similar impartial criterion;

To include in the draft Convention numerical coefficients for the reduction of armaments.

The Commission sought the opinion of its Bureau as to the measure in which it could deal with the Soviet proposals, having regard to its instructions and to the scope of its work. The Bureau gave the following opinion :

1. The Preparatory Commission for the Disarmament Conference has been instructed by the Council, not to effect the reduction of armaments, but to prepare a scheme for the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations. This plan is to be submitted for the consideration and action of the Governments taking part in the Conference.

The Commission is preparing a scheme to enable the Conference, when it meets, to effect as substantial as possible a reduction of national armaments — on the understanding that the Convention adopted shall be subject to reconsideration and revision at least every ten years.

2. *The Commission has not seen its way to adhere to the method of reduction based on the proportional principle.* At the same time, there is nothing to prevent the Government representatives assembled at the Conference, when they finally come to draw up the Disarmament Convention, from taking account of this principle or of any other similar objective criterion in addition to those indicated in Article 8 of the Covenant.

3. The numerical coefficients for the reduction of armaments constitute a method of applying the proportional principle laid down in Point 2 of the Soviet draft resolution. Consequently, the arguments set forth above in connection with Point 2 apply equally to Point 3.

Having regard to the foregoing considerations, the Bureau is of opinion that the Preparatory Commission, while continuing the examination of its preliminary draft of 1927, should decide, if the Soviet delegation so desires, to append the Soviet draft Convention to the report to be submitted by the Commission on the conclusion of its proceedings, and to be subsequently laid before the Disarmament Conference, without prejudice to the right, shared by the Soviet delegation with all the other delegations, to bring forward amendments, to the articles of the 1927 preliminary draft in the course of the discussion in the Preparatory Commission.

The Commission adopted this opinion, the Soviet and Chinese delegations voting against it. The Turkish delegation had previously announced its intention not to take part in the vote.

2. *Air Warfare.* — The German delegate, Count Bernstorff, had deposited a proposal that airships should be prohibited from hurling implements of combat from the air. He observed that air bombardment was one of the most effective forms of attack and a direct menace to the civilised population.

The terrors of air attack, he said, will increase as time goes on if we do not take far-reaching steps to prevent these attacks. Our work would not be complete if we merely prohibited the use of gas and allowed explosives or incendiary bombs to be thrown from airships.

He added that, if airships were prohibited from hurling bombs, it would make it unnecessary to maintain bombing machines; thus, the purely offensive side of military aeronautics would be abolished, and it would be possible to solve the problem of air material.

This proposal was finally rejected by the majority — five delegations voting in its favour. The delegations forming the majority emphasised that the rejection of the German proposal in no way implied the sanctioning of air attacks upon civilians.

The adversaries of the proposal pointed out, *inter alia*, that the aim of the Commission should not be the prohibition of any particular form of warfare, but the prohibition of war itself; as regards the Disarmament



Convention, an endeavour should be made to maintain it within the sphere of the limitation and reduction of armaments without attempting to codify the laws of war, a matter which did not fall within the jurisdiction of the Commission.

It was also observed that the principle of sparing civilians the horrors of war had for long formed part of international law; that, if bombing aircraft were an instrument of attack they might also be an instrument of defence; and that, as regards measures against armed forces, there was no great difference between bombardment by cannon and bombardment from the air.

Count Bernstorff reserved his right to lay his proposal before the Disarmament Conference.

3. *General Questions : The Naval Problem.* — On April 22nd, the American delegate, Mr. Gibson, explained his Government's views with regard to disarmament and the naval problem.

Our first duty, he said, is for each of us to examine all phases of the problem before us with a view to discovering what measures of concession can be offered by each delegation. Agreement upon a single text can be achieved only by a maximum of such concessions . . .

I feel that we are able to deal to best advantage with the specific questions on our agenda only if we bear clearly in mind the recent important changes in world conditions . . .

Since our last meeting, the nations of the world have bound themselves by solemn undertaking to renounce war as an instrument of national policy. We believe (and we hope that our belief is shared by the other nations), that this agreement affirming humanity's will to peace will advance the cause of disarmament by removing doubts and fears which in the past have constituted our principal obstacle. It has recently been my privilege to discuss the general problem of disarmament at considerable length with President Hoover, who has always been an ardent advocate of peace and good understanding. I am in a position to realise, perhaps as well as anyone, how earnestly he feels that the Pact for the Renunciation of War opens to us an unprecedented opportunity for advancing the cause of disarmament, an opportunity which admits of no postponement . . .

If we are honest, if our solemn promise in the Pact means anything, there is no justification for the continuation of war-taxed peace. Great armaments are the relic of another age, but they will remain a necessary relic until the present deadlock is broken, and that can be accomplished only by the decision of the Powers possessing the greatest armament to initiate measures of reduction . . .

Fundamentally, our purpose should be to release large numbers of men from military service to productive effort, and second, to reduce the heavy burden of taxation. So long as the nations are burdened with increasing taxation for the maintenance of armaments it is idle to pretend that the world is really advancing toward the goal of disarmament. In recent years the word "limitation" has come to be used chiefly in describing agreements at existing levels or still higher levels, and is generally looked upon as having nothing to do with actual reduction. It is useless to attempt to correct this impression by explaining that limitation may be at any level, lower or higher than those existing. As a practical matter, it would seem to be best to accept the general public understanding of these terms. Let us, therefore, take the bold course and begin by scrapping the term "limitation" in order to concentrate upon a general reduction of armaments . . .

After stating that, as regards land armaments, the American delegation would be able, when this question was reached, to defer to the countries primarily interested in the subject with such measure of concession as it trusted would materially facilitate agreement between them, Mr. Gibson made the following statement in regard to naval disarmament :

My country's defence is primarily a naval problem. The American Government has found no reason for modifying its view that the simplest, fairest and most practical method is that of limitation by tonnage by categories — a method which has been given practical and satisfactory application in the Washington Treaty . . .

The American delegation has urged this view throughout the first reading, but, in view of the inacceptability to some other delegations of our unmodified thesis, my Government has sought in the various methods presented some solution which might offer the possibility of compromises and general acceptance. It will be remembered that, during the third session of the Preparatory Commission, the French delegation brought forward a method which was an attempt to combine

its original total tonnage proposals with the method of tonnage by categories.

In the hope of facilitating general agreement as to naval armaments, my Government is disposed to accept the French proposal as a basis of discussion . . .

My Government is disposed to give full and friendly consideration to any supplementary methods of limitation which may be calculated to make our proposals, the French thesis, or any other, acceptable to other Powers, and if such a course appears desirable, my Government will be prepared to give consideration to a method of estimating equivalent naval values which takes account of other factors than displacement tonnage alone . . .

The willingness of my Government, I may say even its eagerness, to go to low levels, is based upon the fundamental belief that naval needs are relative, namely, that what we may require for our defence depends chiefly upon the size of the navies maintained by others. Aside from the signatories of the Washington Treaty, there is no conceivable combination of naval power which could threaten the safety of any of the principal naval Powers. There is, therefore, no need to maintain large naval armaments as against the rest of the world . . .

My Government has always felt that we need no exact balance of ships and guns which can be based only upon the idea of conflict — what is really wanted is a common-sense agreement, based on the idea that we are going to be friends and settle our problems by peaceful means. My Government has never believed that an effective approach to the problem of disarmament could be made by methods of reduction of armaments alone. It feels that genuine disarmament will follow only from a change of attitude toward the use of force in the settlement of international disputes. It is for that reason that I venture to make this appeal — that the countries here represented examine the whole problem afresh in the hope that they will find in general world conditions and in the solemn obligation they have taken among themselves a reassurance as to their security, and that they will find in this the confidence to enable them to dispense with the armaments which hitherto have seemed so essential . . .

This statement was followed by declarations from the British, Japanese, French and Italian representatives, emphasising its importance and the stimulus which it would probably give to the work of the Commission.

4. *Effectives. Trained Reserves.* — The important question of the limitation of trained reserves was raised in connection with the examination of the clauses of the 1927 draft Convention concerning effectives. The question of conscription was raised, in particular, in connection with a proposal of the Chinese delegation for its abolition and the Commission also discussed whether a distinction should be made between home and overseas forces.

These questions and the statements made by the various delegations in this connection are analysed below.

(a) *Trained Reserves.* — When the articles of the draft Convention concerning the non-inclusion of the question of trained reserves were discussed by the Commission, the American delegate, Mr. Gibson, stated that, while maintaining the views he had expressed in 1927, he would, as regards the question of trained reserves, support the opinion of the majority of countries whose land forces constituted their chief military interest; he added that he did not make this "fundamental concession" in the spirit of bargaining but because he considered that the method of "laying cards on the table" should create a feeling of candour and harmony that would be conducive to the further success of the work.

M. Massigli (France) replied by a statement containing the following passage :

Mr. Gibson's statement is certainly of a nature to advance our work not only speedily, but effectively. My country, as you know, has always held, and still holds, that the safeguarding of the vital principles underlying its national defence does not allow it to make any concession in regard to trained reserves. The French delegation adopted that attitude notwithstanding the desire of its head to make all concessions necessary to hasten the completion of your work, and when other delegations, for reasons for which we had the greatest respect, expressed the fear that the exclusion of trained reserves from the system of limitations was likely to cause anxiety as to the stability of the peace, my country's representative maintained that attitude because he was firmly convinced that France did not, and could not, cherish any aggressive intention in maintaining her point of view.

M. Sato (Japan) expressed himself as follows :

To countries in which the conscript system is still in existence this declaration opens an entirely new prospect. All the difficulties encountered at the first reading with regard to trained reserves are now removed.

After centuries of the feudal system, when we had an army composed of volunteers and regular soldiers, which caused us a great deal of trouble, we adopted the system of conscription sixty years ago. This system is still in force, and I can state, definitely, that my Government will not be prepared to make any radical alteration in that system.

For this reason it was very difficult, and even impossible, for my country to accept the proposal to limit or reduce trained reserves.

General de Marinis (Italy) associated himself with the statements of the French and Japanese delegations. He said :

I also desire to pay a tribute to the broad spirit of conciliation displayed by Mr. Gibson and, I would add, to the eminently practical sense and the grasp of realities of which he gave us such very tangible proofs. I congratulate myself particularly on this development because my instructions would not have allowed me to abandon the principles from which we have always approached the question of trained reserves.

Count Bernstorff (Germany) said that his country could not consider a disarmament convention that did not provide for an appreciable reduction of armaments. He continued :

How could any appreciable reduction of naval armaments be made at all if no change whatever were made in the sphere of land armaments? In this matter, that is to say, the question of an appreciable reduction of armaments, Germany, who is herself completely disarmed, has no concessions to make. The important point for us is to know whether the other States who are interested in land armaments are prepared, in execution of the Treaties and of the Covenant, to contemplate an appreciable reduction of armaments for themselves also. Accordingly, Germany can be asked only for concessions as regards the method by which an appreciable reduction of the

armaments of States which are not disarmed may be brought about.

In the observations which I made on the eve of this session, I referred to such a concession in regard to the problem of trained reserves, which possess a particular interest for us. It seems to me that that is entirely in conformity with the spirit of conciliation which has been referred to.

In my opinion it is quite possible to arrive at a method which, for purposes of comparing military effectives, would enable a smaller value to be attached to trained reserves, particularly the older classes of reserves, than to the effectives serving with the colours. .

He drew attention to concessions which Germany had already made :

The logical consequence of this view, he said, would be to demand the entire abolition of the conscription system. In that way the problem of estimating the value of trained reserves would solve itself and the comparison between different armies would be greatly facilitated. However, the German Government—and I venture to emphasise this point—has not asked for any general abolition of compulsory military service. That is a fundamental concession which Germany has made . . . No concession, I believe, has as yet been made in regard to trained reserves by any other country in the same conciliatory spirit . . .

He set forth as follows his country's reasons for insisting that the Convention should cover trained reserves :

A disarmament Convention which neglected the question of trained reserves might be conceivable if all the signatory States had a free choice between a system of military service which enabled them to form trained reserves and some other system which did not enable them to do so. But here you have a group of signatory States, some of whom do not possess this freedom of choice, but who are obliged, under the existing treaties, to give up the formation of trained reserves, and a disarmament Convention which neglected so important a consideration could not be regarded as equitable . . .

M. Rutgers (Netherlands) explained why his delegation, while maintaining its views with regard to the limitation

of trained reserves, had decided to make the same concessions as the American delegate. He said :

We must remember that the problem before us is not a technical or an arithmetical problem but a political problem. If we are to arrive at practical results, it is no use taking a stand on logical arguments, however irrefutable, because it will be a long time before they can prevail. The Netherlands delegation is anxious that the work of our Commission should at last lead to definite results. In order to obtain these results it is absolutely essential to renounce a certain number of proposals made at the first reading . . .

While maintaining the views previously put forward by the Netherlands delegation, we have decided to make many concessions in order to achieve results as quickly as possible. This applies in the first place to the question of the limitation and the gradual reduction of trained reserves . . .

We would lay stress on the extent of our concession, which implies in effect that the limitation and reduction of armaments will not affect large armies . . .

M. Westman (Sweden) said that, like Mr. Gibson, the Swedish delegation had not changed its opinion on substantial points, but would also be prepared to make a concession.

A limitation of land armaments which only extends to troops serving with the colours will press very hardly on countries which only maintain professional armies, or have only very small trained reserves, and also on countries which have a conscription system with a very short period of military service and which thus could not make any further reduction without reducing the annual contingent itself.

Such a result is, in our view, far from satisfactory.

If, at the present stage of our work, the Swedish delegation is to withdraw its opposition to a decision, reached by the Commission by a large majority, to prepare a text on the basis of the limitation of effectives with the colours, with no limitation of trained reserves, it is because we hope that appreciable results will be attained in other fields of disarmament . . .

M. Litvinoff expressed his delegation's disappointment at the concession made by the American delegation.

It is quite obvious, he said, that unless the draft Convention provides for the reduction of trained reserves and

war material, the whole work of the Disarmament Conference will only lead to a certain insignificant reduction of effectives in service; that is, to some diminution of war budgets in respect to the maintenance of effectives . . .

The Soviet delegation considers the reduction of reserves as an essential and integral part of the real reduction of armaments . . .

M. Sokal (Poland) observed that it was not entirely accurate to say that countries which were opposed to a limitation of trained reserves had not hitherto made any concessions.

The draft Convention now under discussion would not exist if no concessions had been made by those States.

As regards the limitation of trained reserves, I am personally of the opinion that the arguments submitted by certain delegations in favour of this limitation, while they are deserving of respect, are not all entirely logical . . .

We must do one of two things; we must either limit trained reserves in all their forms or we cannot limit them at all.

It is not possible to limit athletic organisations whose members receive military training. It is not even possible to control them, and we all know that, in a large number of countries, there are vast organisations which really constitute trained reserves and to which the provisions of the Convention can never apply . . .

Lord Cushendun stated that, although the British delegation had not changed its views as regards the limitation of trained reserves, it would be ready, like the American and other delegations, to make a concession. He continued :

I want to insist that we have not changed our opinion, ut I think it is not sufficiently realised, perhaps, that to include trained reserves is a system which cannot be combined with a system of conscription . . .

We are anxious to get something done. We do not want to run our heads against a brick wall, and as Mr. Gibson, and, I think, M. Rutgers, said this morning, we recognise that we should only be obstructive of real progress if we insist upon our view. But let me add that this is not, we hope and believe, the final work which will be undertaken in the direction of disarmament. Let us recognise that all we are doing now



is laying the foundation. We are taking the first step in the direction of disarmament—an enormous movement—a movement that twenty or thirty years ago no one would have believed possible, in that all the nations of the world should be simultaneously gathered together to determine upon a system of disarmament . . .

General Tsiang Tsöping (China) said that China had no trained reserves and could not conceive of a draft Convention for the reduction of armaments which failed to take account of trained reserves.

Following these statements, the President noted that a large majority of the Commission agreed that the Convention should not deal with the limitation of trained reserves.

(b) *Compulsory Military Service.* — In submitting his proposal to the Commission, the Chinese representative, General Tsiang Tsöping said that, in his opinion, it was the only fundamental solution of the question of the reduction of effectives.

He explained his proposal showing the advantages it presented with regard to the maintenance of peace.

If the abolition of wars of aggression, he said, is to be the aim of our work, the most practical and feasible way to obtain it is, in our opinion, the abolition of the system of compulsory service, which will not only limit the possibility of aggression on a large scale, but will also reduce and limit the spirit of war . . .

Count Bernstorff (Germany) said that, for his part, he had withdrawn his proposal for the abolition of compulsory service because he realised that the majority of the Commission could not accept the proposal and he desired to make a concession.

Now that another delegation has moved the abolition of compulsory military service, I desire to say that I entirely associate myself with the arguments which have been advanced by the Chinese delegation, and, if the matter is brought to a vote, I shall give my vote for the abolition of compulsory service . . .

M. Litvinoff said that he was not opposed in principle to the Chinese proposal.

The President recalled that the question of conscription had been discussed at length by the Commission and its military Sub-Commission and asked the Chinese delegation not to insist on maintaining it.

General Tsiang Tsoping said that he reserved his right to lay the question before the Conference.

(c) *Home and Overseas Forces.* — The Turkish and Soviet delegations considered that the Convention should mention the apportionment of forces in the various parts of a State's territory. Others, including the Italian and French delegations, were of opinion that the distance of overseas territories from their own home country, as well as their distance from the principal territory of other countries, must be taken into account. The British delegation expressed its willingness to support a proposal to take a certain distance as a decisive factor, or a similar suggestion.

The Italian delegation, supported by the German delegation, made a general reservation to the effect that a contracting party, when establishing the figures for its home forces, should be entitled to consider the overseas forces of another country as part of that country's home forces, when this seemed justified by the geographical position and, more particularly, the distance of the overseas territory from the home territories of the two countries in question.

Other delegations agreed as to the desirability of limiting home forces in order to prevent a sudden accumulation of armaments in home territories by countries drawing upon their overseas forces, but thought that it should be left to the countries concerned to study separately their requirements for overseas armaments.

The French delegation drew attention to the fact that, for the policing of overseas territories and measures of internal security, it was often necessary to have larger forces than for external safety, and that the numerical importance of an overseas force depended upon the extent to which the country concerned enjoyed the freedom of the

seas. Whilst agreeing that the question of distance should be taken into consideration, the French delegation was of opinion that this proposal formed part of the general question of reduction criteria, which would be dealt with by the Conference.

5. *Material.* — The texts adopted in 1927 on the limitation of land material took the form of two different proposals, one submitted by the German delegation and based on tables giving a numerical list of authorised material, the other presented by the French delegation and based on budget limitation. On that occasion, the American delegation submitted a reservation of a general character concerning the failure to include provisions for the limitation of material in the hands of forces serving with the colours and of reserve material of land and air forces.

The Japanese and Italian delegations made a general reservation touching the German proposal. At the sixth session, the Soviet delegation submitted a proposal based to some extent on the general lines of the German proposal.

The discussion on the limitation of reserve land and air material lasted for two days and included more than twenty statements by sixteen delegates. It opened with a statement by the American representative, Mr. Gibson, who, after recalling that in 1927 the American delegation had endeavoured to persuade other delegations that reserve material should be limited, announced that, in this matter, as in that of trained reserves, the American delegation, while maintaining its convictions, stood ready to defer to the conviction of the majority of those Powers whose defence was primarily military.

Two arguments were put forward; one, mainly supported by the German delegation, provided for the direct limitation of material by the establishment of maximum numerical limits for each category. The other proposal, supported by the French delegation, provided for the indirect limitation of material by limitation of expenditure on upkeep, purchase and manufacture. The Italian and

Japanese delegations adhered to the latter system during the discussion.

The partisans of *direct limitation* pointed out that this method alone would enable States to know the armaments of other States in respect of material and to restrict the possibility of aggression; it would prevent the compensation by material factors of a reduction of effectives; and it was perfectly feasible because it had already been applied in execution of the provisions of the Peace Treaties concerning disarmament.

The opponents declared that the direct method would restrict the freedom of internal organisation in regard to the armies of individual countries, that it was difficult to compare land armaments, that this method would be illusory owing to the difficulty of defining and limiting the manufacture of spare parts, that it would operate unfairly against smaller countries obliged to buy war material from other countries and might even compel them to set up national war industries; that this method was calculated to arouse suspicion and distrust, and, finally, that it was difficult to conceive how it could be applied without international supervision, a system which most countries did not seem able to accept for the moment.

The supporters of the *indirect method* through budget limitation observed that this system was extremely elastic, that it made it possible to take account of general economic conditions or any special conditions in each country, that it was easy to understand, that the progress of such limitation could be followed with the help of public documents and that there would be no difficulties as regards control. The adversaries of this system thought that this method did not cover material in existence at the date of the coming into force of the Convention, that the information it gave was confined to the commercial value of stocks, without taking account of their military value and that it did not furnish a suitable basis of comparison with a view to reduction.

The American delegation said that it could not accept the system of budget limitation which would encounter insuperable obstacles in the United States, some of which were due to the American constitution.

Mr. Gibson recalled his statement of 1927 and recommended a system of publicity for expenditure.

I venture to suggest, therefore, the inclusion in this Convention of provisions for full and complete publicity of expenditure for the maintenance and creation of armaments in the place of the suggested provisions for the limitation of budgetary expenditure.

Following this proposal, the French delegation said that it would not make budgetary limitation a *sine qua non* for its acceptance of the Convention and that it would accept Mr. Gibson's proposal, in a spirit of conciliation and in the hope of reaching agreement as soon as possible on the draft Convention.

At the end of the debate the President noted that the Commission was unanimous in its desire that there should be a limitation and a reduction of war material; that, further, neither of the two systems proposed commanded a substantial majority; but that the American delegation had fortunately recommended a third system, that of publicity, which might to some extent be regarded as the maximum at present possible.

Subsequently, the American and French delegations submitted the following resolution :

The Preparatory Commission for the Disarmament Conference,

Having considered the systems of direct limitation of material in service and in stock,

Having noted that the system of indirect limitation (limitation of the expenditure on material) did not meet with general assent :

Decides that the limitation and reduction of material must be sought by means of publicity of expenditure.

The resolution was adopted by twenty-two votes to two (China and the Union of Soviet Socialist Republics).

The President noted that the adoption of this resolution did not prejudice the ultimate decision to be taken by the Commission on the general system of publicity.

Count Bernstorff said that, subject to this observation, he would not oppose the adoption of the resolution, though he would abstain from voting.

The Soviet delegate said that the resolution was a step backwards and that he would have preferred a statement to the effect that the Commission had not succeeded in agreeing upon a method for limiting material.

The German representative made a general statement containing the following passages :

I recognise that in regard to naval armaments the Commission has made an encouraging beginning in which the principle of the appreciable reduction of all the features of naval disarmament appears to prevail.

It is quite otherwise as regards our discussion on the disarmament of land forces. In the last few days, essential factors on the disarmament of land forces have been eliminated which cannot, however, be omitted from the Convention if the latter is to have any real effect.

The Commission has, therefore, lost sight of its task, at any rate, as far as the disarmament of land forces is concerned.

My Government has never left it for one moment in doubt—and in this connection I would remind you of the speech made by the German Chancellor at the last Assembly and of my own statements in this Commission—that it could not accept, even as a first stage, a solution which would not include *all* the forms of armaments, and which would not bring about an appreciable reduction in the excessive armaments of the present day. Such a solution would not correspond with the principles either of the Treaties or of the Covenant. I therefore find myself obliged to dissociate myself definitely from the programme which the majority of this Commission has just drawn up and to leave it henceforth with the sole responsibility for the preparation of the Conference as its course is being shaped at the present moment.

It is almost unnecessary to tell you once more how much I regret the turn which this Commission's debates have taken. My regrets and my criticisms would be even more keen if I did not remind myself that at present we are still only in the preparatory stage. It is not in this Commission, but at other discussions and especially those of the Disarmament Conference that the final political decision of the whole problem will be taken . . .

In reply to this statement, the President, M. Politis, said that it was, perhaps, rather early to pronounce upon the value of the work being done, or on the degree of limitation and reduction which would be the outcome of the Conference.

6. *Close of the Session. — Future Work.* — At the end of the above discussion, the Commission decided to adjourn its examination of the other points on its agenda — naval material, budget expenditure, general provisions (control), etc. It instructed its President to fix the date of its next meeting and asked the naval Powers concerned to inform him of the progress of their negotiations so as to enable him to convene the Commission with a full knowledge of facts.

This decision was preceded and followed by statements which may be classified under the following headings :

(a) *Naval Disarmament.* — The Japanese, British, French and Italian delegates informed the Commission that their Governments had warmly welcomed Mr. Gibson's statement of April 22nd, and that they would give his suggestions their most careful attention. They asked the Commission to leave the principal naval Powers sufficient time for this examination and voiced their Governments' desire to do all in their power to facilitate and hasten a solution.

(b) *Question of Supervision.* — The draft Convention of 1927 included a series of provisions concerning the supervision of the execution of the Convention, drafted by the French delegation. In 1927, these provisions had given rise to controversy. During the sixth session, the various references made to them showed that there was still considerable divergence of opinion, a circumstance which caused the French delegation to make the following statement :

We are convinced that, if any sort of attempt is made to go beyond the general framework within which the future draft must, it would seem, be maintained, the whole problem of supervision will arise afresh in all its aspects. In that case, we should certainly prefer to maintain the 1927 proposals

as they stand, because they are founded on those principles to which the French Government still adheres. In the present state, however, of the texts we are preparing, it would seem to be possible to discover solutions which would provide the Contracting States with those guarantees they are entitled to claim, without provoking any such opposition as was engendered by the French draft of 1927.

Before the Commission adjourns its work, I therefore wish to state that the French delegation has now decided to substitute for its original proposals contained in the text of Chapter V, as it left the first reading, certain simpler and more general proposals governing the essential points for which provision must be made in the draft Convention; exchange and centralisation of information, settlement of disputes concerning the interpretation and application of the Convention, steps to be taken in the case of any infringement of the same, having regard more particularly to the special position of States non-Members of the League — naturally without prejudice to the procedure which States Members may be found to follow . . .

M. Massigli added that to enable the members of the Commission to study these proposals at their leisure, the French delegation would transmit them to the President without waiting for the next meeting to be convened.

The American delegate thanked the French delegate for this concession, adding that it brought the Commission nearer to its goal — the completion of a single text of a draft convention.

(c) *General Statement by M. Litvinoff.* — M. Litvinoff said that the results of the sixth session had been entirely negative. He set forth the principal proposals rejected during the session suggesting that it was useless to convene the Commission anew and asked that the Conference should be summoned promptly.

If, nevertheless, we still urge a speedy convocation of the Conference, it is because we hope that the peoples of all countries, who are the principal motive power in the international campaign for disarmament and peace, learning of the fruitlessness of the work of the Preparatory Commission, will so increase their pressure on their Governments, that the latter will be forced to take up, at the Conference itself, a position much more in correspondence with their desires and demands . . .



The Soviet delegation feels no disappointment whatsoever. It does not regret its participation in the Commission, nor the time which it would seem to have spent in vain. By its presence in the Commission and its proposals in the sphere of the utmost disarmament, it has nipped in the bud the legend which it was attempted to circulate here of the Soviet Union as an obstacle in the path of general disarmament.

It is willing, in the same spirit of readiness for sacrifices and real concessions for the sake of disarmament, and in the same spirit of peace, to come to the Disarmament Conference . . .

The President pointed out that it was not for him to pass his opinion on the pessimism expressed by M. Litvinoff. He added :

I was very much gratified—and I think the Commission will agree with me—to hear M. Litvinoff's closing words, in which he led us to hope that he would also make concessions in a spirit of international concord and peace, when the time comes for the Conference to draw up in final form the First Convention on the Limitation and Reduction of Armaments . . .

The chief impression which we shall carry away with us is that the question of the limitation and reduction of armaments has now ripened both in the minds of peoples and of Governments.

In my opinion, what has done more than anything else to accelerate progress has been the conclusion of the Paris Pact under which signatory States have renounced war as an instrument of national policy. This great Pact, by depriving war of its former legality, and thereby making it more difficult, has shown the people of all nations that armaments are now of less importance than ever before. It has initiated a new conception of international relations in accordance with which it is no longer possible to contemplate excessive armaments. If national security is not yet sufficient to make it possible to effect a very large reduction of armaments, nevertheless, after the League Covenant, after the various regional agreements, after the extensive system of treaties of conciliation, arbitration and judicial settlement, the Paris Pact has now introduced a new element, the value of which is enhanced by the fact that it can be added to later, while it also makes it possible for the first step towards the goal of disarmament to be taken immediately. Whatever may be the scope of this first stage it will assuredly constitute a very important advance . . .

Bilateral or collective agreements providing for the general or particular limitation of armaments are already in existence, but our Convention will possess one essential characteristic which has never been obtained before, and that is, that, by reason of its scope and of the number of contracting States, it will be both general and universal.

For the first time in the history of the world, the problem of national armaments will have changed its character. It has hitherto been, and still is, an essentially domestic concern—a matter coming exclusively under the sovereign rights of each State. Henceforth, it will become an international question, governed by laws which the States will have freely accepted.

The most vital thing is that we should enter on this path and take the first steps. The later stages will then prove infinitely easier. Let us never forget, gentlemen, the great truth contained in the old Greek proverb that the half is the beginning of the whole . . .

#### *B. — The Assembly and the Reduction of Armaments.*

The Assembly Committee dealing with the reduction of armaments devoted several meetings to the work of the Preparatory Commission. At the beginning of the discussion, the British representative submitted a draft resolution drawing the attention of the Preparatory Commission to several principles which have been or should be adopted.

The draft resolution read as follows :

The Assembly :

Being convinced that a progressive and general reduction of armaments is urgently needed throughout the world :

Expresses the hope that the Preparatory Commission will finish its labours at the earliest possible moment;

And considers that, in completing the draft Disarmament Convention, it should consider how far the following principles have been or ought to be adopted :

(a) The application of the same principles to the reduction and limitation of personnel and material whether in land, sea or air forces;

(b) The limitation of the strength of a force either by limiting its numbers or its period of training or both;

(c) The limitation of material either directly by enumeration or indirectly by budgetary limitation or by both methods;

(d) The recognition of a competent international authority to watch and report upon the execution of the treaty.

In explaining the nature of his draft resolution, Lord Cecil emphasised that its object was not to give instructions to the Commission, but only to draw its attention to certain points. Of his four suggestions, the third, which referred to the limitation of war material, was, in his opinion, the most important.

The British resolution received, in some cases, the complete, and in others, the partial, support of a large number of delegations. The German representative, Count Bernstorff, emphasised the importance of the question of trained reserves; numerous other delegations made reservations regarding the substance of the questions raised and objected to the proposals on grounds of procedure and advisability.

The discussion, in which eighteen delegates took part, showed that the Third Committee was unanimous in considering that the work of the League should be hastened so as to enable the first step to be taken as soon as possible towards executing the programme for the reduction of armaments set forth in Article 8 of the Covenant. Moreover, it unanimously recognised the importance, for the progress of the Preparatory Commission's work, of negotiations between the principal naval Powers with a view to the reduction and limitation of naval armaments.

Finally, Lord Cecil withdrew his proposal on the grounds that the formation of the majorities and minorities in the Committee would only complicate the task of the Preparatory Commission and of the Disarmament Conference. The Committee noted the statements made in connection with the proposal and concerning the principles on which the final work of the Preparatory Commission should be based.

The Assembly finally adopted the following resolution :

Cordially welcoming the prospect of an early agreement between the naval Powers with a view to the reduction and

limitation of naval armaments, which agreement may enable the Preparatory Commission to secure general agreement on the methods to be adopted for the reduction and limitation of naval armaments;

Taking note of the statements made in the Third Committee with regard to the principles on which, in the opinion of various delegations, the final work of the Preparatory Commission should be based;

Noting that the solution of the disarmament problem can be attained only through mutual concessions by Government in regard to the proposals they prefer;

Urging, in accordance with its resolution of 1928, "the necessity of accomplishing the first step towards the reduction and limitation of armaments with as little delay as possible" :

Confidently hopes that the Preparatory Commission will shortly be able to resume the work interrupted at its last session, with a view to framing a preliminary draft Convention as soon as possible for the reduction and limitation of land, naval and air armaments.

### C. — *Private Manufacture of Arms, Munitions and Implements of War.*

The Special Commission studying this question finally adopted by a majority vote a draft Convention for the supervision of the private manufacture and the publicity of the manufacture of arms, munitions and implements of war. On this subject, there were still considerable differences of opinion concerning, in particular, the system of publicity for State and private manufacture.

The Assembly adopted a resolution, submitted by the French, German, Japanese, Netherlands and Roumanian delegations, emphasising the importance of the task of the Special Commission, the close connection between the organisation of the supervision of private manufacture and the publicity, to be defined later, of State manufacture, and the connection between the question of the manufacture of war material and that of the international trade in arms.

Note was taken of the fact that several Governments were unable to express a final opinion on the publicity of State manufacture until in possession of the conclusions

of the Preparatory Commission on publicity in respect of war material. The Assembly requested the Council, as soon as the Preparatory Commission had finished its work, to consider the desirability of summoning a further meeting of the Special Commission to complete the text of the preliminary draft Convention (1).

#### IV. — RIGHT OF INVESTIGATION

##### *Termination of the Inter-Allied Military Control in Austria.*

On behalf of the British, French, Italian and Japanese Governments, represented on the Conference of Ambassadors, the President of that Conference officially informed the Secretary-General that the Liquidation Board of the Military Inter-Allied Commission of Control in Austria had concluded its mission on January 31st, 1928.

The position of the League in this question is defined by Article 159 of the St. Germain Treaty which reads :

So long as the present Treaty remains in force, Austria undertakes to submit to any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.

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(1) As a result of the Council elections of September 9th, the membership of these two bodies, was modified as follows :

(a) Peru, having received a Council seat, becomes automatically a member of the Preparatory Commission for the Disarmament Conference. Yugoslavia, who was also elected to the Council, was already a member of that Commission.

(b) Peru and Yugoslavia, having been elected to the Council, become members of the Special Commission.

The Council invited its two retiring members — Chile and Roumania — to continue to co-operate in the work of these two Commissions.

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## CHAPTER II

# THE PERMANENT COURT OF INTERNATIONAL JUSTICE

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I. Compulsory Jurisdiction of the Court—Extension of Jurisdiction. — II. Revision of the Court Statute. — III. Agreement with a view to facilitating the Accession of the United States. — IV. Proposal to confer upon the Court Jurisdiction as a Court of Review for Arbitral Tribunals set up by the Various States. — V. Composition of the Court. — VI. Work of the Court : *a*) Payment of Serbian loans issued in France ; *b*) Payment of Brazilian loans issued in France ; *c*) Free Zones of Upper Savoy and Gex ; *d*) Territorial extent of the Jurisdiction of the International Commission of the Oder ; *e*) The Chorzow factory ; *f*) Close of the proceedings in the Sino-Belgian case.

The numerous acceptances of the Court's compulsory jurisdiction, in response to Mr. Ramsay MacDonald's appeal at the Tenth Assembly, mark an important stage in the history of the Court.

The revision of the Court Statute and the preparation of an agreement for facilitating the accession of the United States are also events of far-reaching significance.

The proposal of the Finnish Government to give the Court jurisdiction as a Court of Review, was favourably received by the Assembly and reserved for further study.

During the past year, the Court met three times—twice in extraordinary session (November 1928, and May 1929), and once in ordinary session (June to August 1929) giving judgments and making various orders.

### I. — COMPULSORY JURISDICTION OF THE COURT — EXTENSION OF JURISDICTION

During the Tenth Assembly, fifteen States signed the Clause, namely, South Africa, Australia, Canada, Czechoslovakia, France, Great Britain, Greece, India, the Irish

Free State, Italy, Latvia, New Zealand, Nicaragua, Peru, and Siam. By accession, States undertake to submit to the Court any dispute of a legal character concerning the interpretation of a treaty, any question of international law, the existence of any fact which, if established, would constitute a breach of an international obligation, and the nature or extent of the reparation to be made for such a breach.

Most of the accessions were subject to reservations concerning facts prior to accession, or stipulating a preliminary examination by the Council. Great Britain and the Dominions (with the exception of the Irish Free State) reserved disputes between members of the British Commonwealth.

The signatures given during the Tenth Assembly are subject to ratification, with the exception of that of Greece.

Nineteen States—three more than last year—are now bound to accept the compulsory jurisdiction of the Court—namely, Abyssinia, Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, Germany, Greece, Haiti, Hungary, Norway, the Netherlands, Panama, Portugal, Spain, Sweden, Switzerland and Uruguay.

Seventeen conventions and treaties (treaties of arbitration and conciliation, treaties of commerce and navigation, conventions or agreements concluded under the auspices of the League) concluded since May 1928, confer certain powers upon the Court. From June 15th, 1928, to April 20th, 1929, the number of acts governing the Court's jurisdiction increased from 250 to 285.

## II. — REVISION OF THE COURT STATUTE

The 1928 Assembly having provided for an examination of the Court Statute with a view to such amendments as might be judged desirable, the Council, in December of that year, set up a Committee of Jurists composed of M. Fromageot (French), M. Gaus (German), Sir Cecil Hurst (British), M. Ito (Japanese), M. Pilotti (Italian), M. Politis (Greece), M. Raestad (Norwegian), Mr. Root (American), M. Rundstein (Polish), M. Scialoja (Italian), M. Urrutia (Colombian) and M. van Eysinga (Dutch).

The President and former President of the Court M. Anzilotti and M. Huber, and the Chairman of the Supervisory Commission, M. Osusky, were also invited to take part in the work.

This Committee met at Geneva in March 1929, and, after a week's discussion, drew up a report suggesting modifications in the Statute, which consisted in the amendment of several articles and the addition of a new chapter concerning advisory opinions.

The report was noted by the Council in June, forwarded to States Members of the League, and included in the agenda of the Tenth Assembly. Embodied in a Protocol, the proposals of the Committee were adopted by a Conference of Signatories of the Court Statute convened by the Council for September 4th and by the Tenth Assembly. Immediately opened for signature, the Protocol was signed by more than forty States before the end of the Assembly. As it has to be ratified, the Assembly expressed the hope that Governments would do all in their power to enable the amendments to come into force before its next session, when elections of judges for the coming nine years will take place (1).

The modifications embodied in the Protocol do not constitute an attempt to recast completely the Statute. As stated by the Committee of Jurists, they aim merely at supplementing or improving the Statute in the light of experience already acquired. They are, in general, "actuated by the desire to give States full assurance that the Permanent Court of International Justice established by the League of Nations is a real judicial body which is constantly at their disposal for the purpose of hearing and determining their disputes and which possesses alike the necessary juristic competence and experience of international affairs".

The principal amendments concern the composition of the Court, functions and occupations incompatible with judgeship, the working and formation of the Court and advisory opinions.

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(1) Judges are elected for nine years. The first elections were held in September 1921, so the term of office of the present judges expires in September 1930.



The post of deputy-judges is suppressed, and the number of ordinary judges is increased from eleven to fifteen. As regards functions and occupations incompatible with judgeship, it is specified that members of the Court should not only refrain from exercising any political or administrative function, but also should not engage in any other occupation of a professional nature.

The new Statute provides for an international judicial year. With the exception of judicial vacations, the Court remains constantly in session. Members of the Court whose homes are situated at more than five days normal journey from The Hague are entitled to six months leave every three years in addition to the ordinary vacations.

Certain provisions concerning advisory opinions which hitherto only figured in the rules of the Court are transferred to the Statute (1).

### III. — ACCESSION OF THE UNITED STATES

In 1926, the question of the accession of the United States to the Court was officially raised for the first time by the American Government. Negotiations were resumed this year and led to the preparation of a special Protocol designed to facilitate the accession of the United States.

Like the Protocol on the Revision of the Statute, this Protocol was approved by the Council, the Assembly and the Conference of Signatories, opened for signature and signed by more than forty States before the close of the Tenth Assembly. To come into force, it must be ratified by the States Members of the Court and the United States of America.

To follow this important question through the various stages of its development, it is necessary to summarise briefly the negotiations which took place in 1926 and 1929.

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(1) In 1928, the Assembly asked the Council to study, as soon as circumstances permitted, whether decisions to seek the advisory opinion of the Court could be taken by a simple majority vote (see "The League of Nations from Year to Year" 1927-1928). The Council, on December 10th, 1928, invited each of its Members to make an individual study of the question with a view to discussion at a later session.

1. *The Negotiations of 1926.* — On March 2nd, 1926, the American Secretary of State, Mr. Kellogg, informed the Court Signatories and the Secretary-General of the League that, on January 27th, 1926, the American Senate had approved American membership of the Court, subject to certain reservations which required the acceptance of the Signatory Powers (1).

On March 18th, the British Foreign Minister, Sir Austen Chamberlain, brought the matter before the Council with the suggestion that the most convenient way of negotiating it would be the holding of a special Conference. This proposal was approved. On September 1st, the Signatory Powers met at Geneva and, after a three weeks' discussion, embodied their views in a Final Act and a preliminary draft Protocol to be concluded between the Signatories and the United States.

By this Final Act and Protocol, the first four reservations of the American Senate and the first part of the fifth

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(1) The resolution and reservations of the American Senate read as follows :

That the Senate advise and consent to the adherence on the part of the United States and to the said Protocol of December 16th, 1920, and the adjoined Statute for the Permanent Court of International Justice (without accepting or agreeing to the optional clause for compulsory jurisdiction contained in the said Statute), and that the signature of the United States be affixed to the said Protocol, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution, namely :

1. That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the Treaty of Versailles.

2. That the United States shall be permitted to participate, through representatives designated for the purpose and upon an equality with the other States Members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy-judges of the Permanent Court of International Justice or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the Court as determined and appropriated from time to time by the Congress of the United States.

4. That the United States may at any time withdraw its adherence to the said Protocol and that the Statute for the Permanent Court of International Justice adjoined to the Protocol shall not be amended without the consent of the United States.

5. That the Court shall not render any advisory opinion except publicly after due notice to all States adhering to the Court and to all interested States, and after public hearing or opportunity for hearing given to any State concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

reservation concerning advisory opinions were accepted. With regard to the second part of the fifth reservation, according to which the Court could not "without the consent of the United States entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest", the Final Act contains the following statement :

The second part of the fifth reservation makes it convenient to distinguish between advisory opinions asked for in the case of a dispute to which the United States is a party and that of advisory opinions asked for in the case of a dispute to which the United States is not a party but in which it claims an interest, or in the case of a question, other than a dispute in which the United States claims an interest.

As regards disputes to which the United States is a party, it seems sufficient to refer to the jurisprudence of the Court, which has already had occasion to pronounce upon the matter of disputes between a Member of the League of Nations and a State not belonging to the League. This jurisprudence, as formulated in Advisory Opinion No. 5 (Eastern Carelia), given on July 23rd, 1923, seems to meet the desire of the United States.

As regards disputes to which the United States is not a party but in which it claims an interest, and as regards questions, other than disputes, in which the United States claims an interest, the Conference understands the object of the United States to be to assure to itself a position of equality with States represented either on the Council or in the Assembly of the League of Nations. This principle should be agreed to. But the fifth reservation appears to rest upon the presumption that the adoption of a request for an advisory opinion by the Council or Assembly requires a unanimous vote. No such presumption, however, has so far been established. It is therefore impossible to say with certainty whether in some cases, or possibly in all cases, a decision by a majority is not sufficient. In any event, the United States should be guaranteed a position of equality in this respect; that is to say, in any case where a State represented on the Council or in the Assembly would possess the right of preventing, by opposition in either of these bodies, the adoption of a proposal to request an advisory opinion from the Court, the United States shall enjoy an equivalent right.

Article 4 of the Protocol stipulates that "should the United States offer objection to an advisory opinion being given by the Court, at the request of the Council or the

Assembly, concerning a dispute to which the United States is not a party or concerning a question other than a dispute between States, the Court will attribute to such objection the same force and effect as attaches to a vote against asking for the opinion given by a Member of the League of Nations either in the Assembly or in the Council" and that "the manner in which the consent provided for in the second part of the fifth reservation is to be given will be the subject of an understanding to be reached by the Government of the United States with the Council of the League of Nations."

Subsequently, twenty-four Governments, signatories of the Court Statute, sent the American Government communications based on the views expressed by the Conference.

2. *The Agreement of 1929.* — The next step was taken on February 19th, 1929, when Mr. Kellogg sent another note to the signatories and to the Secretary-General, defining his Government's views. He explained that his Government desired to avoid as far as possible any proposal that would interfere or embarrass the work of the Council, undoubtedly often perplexing and difficult, and it would be glad if it could dispose of the subject by a simple acceptance of the suggestions embodied in the Final Act and Protocol adopted at Geneva in September 1926.

He continued : "There are, however, some elements of uncertainty in the bases of these suggestions which seem to require further discussion. The powers of the Council and its modes of procedure depend upon the Covenant of the League of Nations which may be amended at any time. The ruling of the Court in the Eastern Carelia case and the rules of the Court are also subject to change at any time. For these reasons, without further enquiry into the practicability of the suggestions, it appears that the Protocol submitted by the twenty-four Governments in relation to the fifth reservation of the United States Senate would not furnish adequate protection to the United States".

In conclusion, he stated that the Government of the United States felt that such an informal exchange of views as is contemplated by the twenty-four Governments

should, as herein suggested, lead to agreement upon some provision which, in unobjectionable form, would protect the rights and interests of the United States as an adherent to the Court Statute, and this expectation was strongly supported by the fact that there seemed to be but little difference regarding the substance of these rights and interests.

On March 9th, the Council requested the jurists studying the revision of the Statute to consider the situation as regards the accession of the United States to the Court Statute and to make any suggestions that they felt able to offer with a view to facilitating such accession on conditions satisfactory to all the interests concerned.

Mr. Elihu Root, former Secretary of State of the United States, and former member of the Committee of Jurists that drafted the Court Statute in 1920, was also a member of the Committee on the Revision of the Statute. It was he who submitted a formula providing a procedure whereby the United States might make known its views in connection with advisory opinions.

The discussions showed that the conditions by which the Government of the United States thought it necessary to accompany the expression of its willingness to accede to the Protocol establishing the Court owed their origin to apprehension that the Council or the Assembly might request from the Court advisory opinions without reference to interests of the United States which might in certain cases be involved. They also showed that the hesitation felt by the delegates to the Conference of 1926 as to recommending the acceptance of those conditions was due to apprehension that the rights claimed in the reservations formulated by the United States might be exercised in a way which would interfere with the work of the Council or the Assembly and embarrass their procedure. The Committee accordingly had to discover some method of ensuring that neither on the one side, nor on the other, should these apprehensions prove to be well founded.

The Committee felt that it could not recommend that the system of asking the Court for advisory opinions be abandoned, as it had proved of very great utility in securing a solution of questions which could not conveniently be submitted to the Court in any other form. It

also rejected another method, which consisted in recommending the adoption of a rule that in all cases a decision on the part of the Council or the Assembly to ask for an advisory opinion must be unanimous.

Desiring to deal with the problem in a concrete form, the Committee endeavoured on the basis of Mr. Root's formula, to provide some method by which questions as they arose might be examined, views exchanged, and a conclusion reached after each side had made itself acquainted with the difficulties and responsibilities besetting the other. For this purpose, it revised and completed the Protocol of 1926.

The fifth article of this Protocol provides machinery by which the United States will be made aware of any proposal before the Council or the Assembly for obtaining an advisory opinion and will have an opportunity of stating whether their interests are affected, so that the Council or the Assembly may decide its course of action with full knowledge of the position. The Committee considered that it might confidently be hoped that the exchange of views so provided for, could be sufficient to ensure that an understanding could be reached and no conflict of views would remain. Should the exchange of views not lead to agreement and should the United States not be prepared to forego its objection, it might withdraw from the Court without any imputation of unfriendliness or unwillingness to co-operate generally for peace and goodwill.

The draft Protocol was approved by the Council at its June session and by the Assembly in September. It was also submitted to a Conference of States signatories of the Court Statute which met at Geneva on September 4th. This Conference unanimously adopted the Protocol in its entirety; it was then opened for signature.

In presenting the Protocol to the Assembly, the Rapporteur, M. Politis, said that the formula adopted would ensure the United States in all matters pertaining to the Court, its Statute, its organisation and its working, the situation which it would have had if it had been a Member of the League with a permanent seat on the Council.

The system adopted embodies four main proposals :

(1) The United States would take part in the elections of judges of the Court on an equal footing with States Members represented in the Assembly and the Council.

(2) The consent of the United States would be required on a footing of equality with the other States for any amendment of the Statute.

(3) The United States would take part on a footing of equality with the States Members represented at the Assembly and the Council in any decision taken with a view to asking the Court for an advisory opinion in any cases in which the interests of the United States were involved.

(4) The existing clauses of the Court's rules of procedure on advisory opinions would be embodied in an agreement to be concluded between the United States and the States signatories of the Court. In the event of the Court giving an advisory opinion despite opposition on the part of the United States, the latter is entitled to withdraw from the Court.

#### IV. — PROPOSAL TO GIVE THE COURT JURISDICTION AS A COURT OF APPEAL.

At the beginning of the Tenth Assembly, the Finnish delegation deposited a draft resolution suggesting that the Court should receive jurisdiction as a Court of Review in respect of arbitral tribunals established by States. The Finnish delegate drew attention to the fact that in the present state of international law there was no general provision, without special agreement between States, enabling parties to a dispute to appeal against the award of a special tribunal instituted between them.

This proposal was thoroughly discussed by the First Assembly Committee, which was in agreement with its main points, and the Council was requested to examine the question of the procedure to be followed by States desiring to enable the Court to assume in a general way, as between them, the functions of a tribunal of appeal from international arbitral tribunals in all cases where it was contended that an arbitral tribunal was without

jurisdiction or had exceeded its jurisdiction. The Assembly considered that it was not necessary to constitute a special Committee of Jurists and left it to the Council to study the question as it thought fit.

The Secretary-General will communicate the results of this study to the Governments of States Members and signatories of the Court Statute with a view to discussion at a later session of the Assembly.

#### V. — COMPOSITION OF THE COURT.

Sir Cecil Hurst and M. Henri Fromageot were elected by the Assembly and the Council, voting concurrently on September 19th, to succeed the late Lord Finlay and M. André Weiss as judges of the Permanent Court.

In accordance with the Statute, the Assembly and the Council elections took place independently. In the Assembly, the vote was taken by secret ballot. The number of votes cast was 52, the absolute majority 27. Sir Cecil Hurst obtained 40 and M. Fromageot 37. The Council sat in secret; Sir Cecil Hurst was nominated unanimously, M. Fromageot by all Members but one.

Sir Cecil Hurst and M. Fromageot having notified their acceptance of the appointment, the number of judges provided for in the Court Statute is once more complete.

#### VI. — WORK OF THE COURT

From October 1st, 1928 to September 30th, 1929, the Court dealt with the following questions :

- (a) Payment of certain Serbian loans issued in France;
- (b) Payment of certain Brazilian loans issued in France;
- (c) The Franco-Swiss free zones;
- (d) The territorial extent of the jurisdiction of the International Commission of the Oder.

All these cases were submitted to the Court for judgment. In three of them (Serbian loans, the free zones and



the Oder), the countries concerned—France (1), Poland and Yugoslavia (2)—which had no national on the Court Bench, exercised their right under the Statute to appoint one of their nationals as judge *ad hoc*.

The Court made orders closing the proceedings in the Chorzow factory and the Sino-Belgian cases.

(a) *Serbian Loans issued in France.* — On April 19th, 1928, the French and Yugoslav Governments agreed to submit to the Court the question of certain loans that they had been unable to settle by diplomatic negotiations. The question put to the Court was whether the French bondholders of certain Serbian loans issued in France before the war—as held by the French Government—were justified in their claim for payment in gold currency, or whether the Yugoslav Government was right in maintaining that payment was only due in French paper currency.

The Court gave judgment on July 12th, 1929. After a detailed analysis of the bonds and coupons of the various loans, it satisfied itself that these documents, considered either by themselves or in conjunction with the documents that had preceded the issues, enabled it to affirm that in all cases there was a promise to pay in gold francs, the gold franc being the twentieth part of the French twenty franc gold piece, the international standard adopted or recognised in several countries at the time of the issue of the loans.

The operative part of the judgment is worded as follows :

1. That, in regard to the Serbian 4 % loan of 1895, the holders of bonds of this loan are entitled, whatever their nationality may be, to obtain, at their free choice, payment of the nominal amount of their coupons due for payment but not paid and of those subsequently falling due, as also of their bonds drawn for redemption but not refunded and

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(1) Since the death of M. André Weiss, there has been no French judge on the Court Bench.

(2) The deputy-judge, M. Yovanovitch, was unable to attend. The Court recognised the right of the Yugoslav Government to appoint a national judge other than M. Yovanovitch.

of those subsequently drawn at Paris, Berlin, Vienna and Belgrade, in the currency in circulation at one of these places.

2. That, in regard to the 4 %, 1895, 5 %, 1902, 4 %, 1906, 4 1/2 %, 1909 and 5 %, 1913 Serbian loans, the holders of these bonds are entitled to obtain payment of the nominal amount of their coupons due for payment but not paid and of those subsequently falling due, as also of their bonds drawn for redemption but not refunded and those subsequently drawn, in gold francs, in the case of the 1895 loan, at Belgrade and Paris, and in the case of the 1902, 1906, 1909 and 1913 loans at Belgrade, Paris, Brussels and Geneva, or at the equivalent value of the said amount at the exchange rate of the day in the local currency at Berlin and Vienna, in the case of the 1913 loan, and at Berlin, Vienna and Amsterdam, in the case of the 1902, 1906 and 1909 loans.

3. That the value of the gold francs shall be fixed between the parties, for the above-mentioned payments, as equivalent to that of a weight of gold corresponding to the twentieth part of a piece of gold weighing 6.45161 grammes, 900/1000 fine.

The judgment was given by nine votes against three [M. de Bustamante (Cuba), M. Pessôa (Brazil) and M. Novacovitch (Yugoslavia)].

It should be remembered that, by the Special Agreement referring the case to the Court, the Yugoslav Government and the French bondholders must now enter into negotiations for the conclusion of an arrangement by which certain concessions are to be made to the Yugoslav Government, having regard to its economic and financial situation and capacity for payment. Failing agreement, this question is to be obligatorily settled by a special arbitral tribunal.

(b) *Brazilian Loans issued in France.* — As in the case of the Serbian loans, the Brazilian and French Governments were unable to reach agreement by negotiation and put to the Court, by an agreement concluded on August 27th, 1927, the question whether the service of certain Brazilian loans issued in France before the war should be effected on the basis of the value of the gold franc or of the paper franc.

The Court gave judgment on July 12th, 1929. For two of the loans it observed that the bonds contained express clauses enabling it to be said that they involved an obligation to pay both principal and interest in gold francs. For a third loan, the Court, after referring to the prospectus, observed that persons taking bonds under this document would naturally understand that they were receiving bonds payable in gold value both as to principal and interest. As in the case of the Serbian loans, the Court accordingly concluded that the bonds must be construed as providing for payment in gold francs, the gold franc being the twentieth part of the French gold piece of twenty francs.

The operative part of the judgment is worded :

That with regard to the Brazilian Federal Government's 5 % loan of 1909 (Port of Pernambuco), 4 % loan of 1910 and 4 % loan of 1911, payment of coupons which have matured and are not barred by prescription at the date of the Special Agreement and of coupons subsequently maturing, as also repayment of bonds drawn for redemption but not actually repaid which are not barred by prescription on the date of the present judgment, or of bonds subsequently to be redeemed, must be effected by delivery to the French holders in respect of each franc, of the value corresponding in the currency of the place of payment at the rate of exchange of the day, to one-twentieth part of a gold piece weighing 6.45161 grammes, 900/1000 fine.

The decision was taken by nine votes to two M. de Bustamante (Cuba), and M. Pessoa (Brazil).

(c) *The Franco-Swiss Free Zones.* — By an Agreement of October 30th, 1924, which came into force on March 29th, 1928, the French and Swiss Governments submitted to the Court certain questions relating to the customs and economic regime of the territories known as the zone of the Gex district, that is to say, an area of 393 square kilometres including part of the summit of the Jura and its eastern slope as far as the frontier of the Canton of Geneva, and the small Sardinian zone (149 kilometres) which borders upon the Canton of Geneva on the south-eastern side and is part of the Upper Savoy.

The salient point of the system was that in these districts France had placed her customs line not at the political frontier, but at the boundary between the French zones and Swiss territory, in such a way that the importation of goods from Switzerland into these zones was free, while exportation of the products of the zones towards the rest of France and importation of French products into the zones were subject to the French Customs regulations, save in so far as exceptions were granted by France in favour of the zones.

This system had been changed during the war of 1914 to 1918. In 1919, France manifested her intention of doing away with it. This led to negotiations with Switzerland, as a result of which France, with the consent of Switzerland, caused to be inserted in the Treaty of Versailles, Article 435, which is worded as follows :

The High Contracting Parties, while they recognise the guarantees stipulated by the Treaties of 1815, and especially by the Act of November 20th, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare, nevertheless, that the provisions of these Treaties, conventions, declarations and other supplementary Acts concerning the neutralised zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna, and in paragraph 2 of Article 3 of the Treaty of Paris of November 20th, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone, which are and remain abrogated.

The High Contracting Parties also agree that the stipulations of the Treaties of 1815 and of the other supplementary Acts concerning the Free Zones of Upper Savoy and the Gex district are no longer consistent with present conditions, and that it is for France and Switzerland to come to an agreement together with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable to both countries.

To this Article were attached two annexes, a Swiss Note of May 5th, 1919, concerning Switzerland's assent to the insertion of the Article in the Treaty and a French Note of May 18th, 1919.

it shall grant the parties reasonable time for the production of documents. Furthermore, in order to facilitate this settlement, the Court may be requested by either party to delegate one or three of its members for the purpose of conducting investigations on the spot and of hearing the evidence of any interested persons.

On August 19th, 1929, the Court made an Order fixing May 1st, 1930, as the date by which the parties might settle the zone regime between themselves.

The grounds of the Order itself indicate the result of the deliberations upon the points concerning the abrogation of the stipulations of 1815 and 1816.

The Court first observes that, if it arrives at the conclusion that these stipulations are not abrogated by the Treaty of Versailles, it is not obliged to say that the Treaty has for its object their abrogation, but may equally say that this is not the intention of the relevant clause of the Treaty; it next observes that, if France and Switzerland succeed in reaching the agreement in view of which it has fixed a time limit, this agreement, whatever it may be, will have the formal effect of abrogating these stipulations; and therefore the Court's function in replying to the question whether the Treaty has for its object the abrogation of the stipulations is to say whether or not Switzerland is obliged to accept as the basis of the future agreement, the abrogation of the regime of the free zones.

Dealing with the merits of the question, the Court shows that the relevant clause does not necessarily involve the abrogation of the stipulations of 1815-1816 regarding the free zones. This provision, moreover, is not binding on Switzerland, who is not a signatory of the Treaty of Versailles, except to the extent to which she has accepted it; but she has only agreed to the Article subject to a reservation respecting the suppression of the free zones. The clause therefore could only be operative between France and Switzerland, if Switzerland's assent were unnecessary for such suppression. The Court, however, holds that Switzerland has a contractual right in respect of the zones, under the Treaty of Turin of 1816, for the small Sardinian zone and the zone of St. Gingolph, and, in the case of the zone of Gex, a right based on all

the instruments that created that zone, having regard to the circumstances in which they were executed.

Lastly, the Court holds that the relevant clause of the Treaty of Versailles has not for its object the abrogation of the regime of the free zones; the only aim of the Treaty is to leave France and Switzerland to settle this regime between themselves by means of an agreement, the contents of which are in no way prejudged by the Treaty and which therefore may or may not involve the abrogation of the free zones established in 1815 and 1816.

The Order of Court is followed by three dissenting opinions: (M. Nyholm, Denmark; M. Negulesco, Roumania; and M. Dreyfus, France) relating to the interpretation of the relevant clause of the Treaty of Versailles and by certain observations (M. Pessôa, Brazil) upon point of procedure. Twelve judges took part in the deliberation.

(d) *Territorial Extension of the Jurisdiction of the International Commission of the Oder.* — On September 10th, 1929, the Court gave judgment in this case which had been referred to it in an Agreement concluded on October 30th, 1928, between the Polish Government and the British, Czechoslovak, Danish, French, German and Swedish Governments.

The dispute hinged upon the following point: while the powers of the Commission admittedly extend over the main river and over those navigable portions of the tributaries which are situated in German territory or common to Germany and Poland, do they extend also over those navigable portions which are exclusively within Polish territory? This question, Poland claimed, should be answered in the negative, while the other six Governments answered it in the affirmative.

The Court on the whole accepted the views of the latter.

The question in dispute related to the interpretation of certain clauses of the Treaty of Versailles, namely, Article 341, which provides for the creation of an international commission to administer the Oder; Article 331, which internationalises the Oder and all navigable parts of its system, and Article 338, which provides that the system of internationalisation instituted by the Treaty

of Versailles shall be replaced by one found in a general convention to be drawn up by the Allied and Associated Powers and approved by the League.

The main contention of the six Governments was that the general Convention—which was the Barcelona Convention of 1921 on navigable waterways of international concern—had become applicable in virtue of Article 338 of the Treaty of Versailles and that those portions of the tributaries of the Oder which were in Polish territory and which were "waterways of international concern" came under the jurisdiction of the Commission. Alternatively, they submitted that the Commission's jurisdiction comprised such portions of the tributaries as fulfilled the conditions of navigability laid down in Article 331 of the Treaty of Versailles. The Polish Government held that the Barcelona Convention could not be invoked against Poland, who had not ratified it; in any case, while the limits of the regime of navigation must be determined according to the Barcelona Convention, the limits of the Commission's jurisdiction were fixed exclusively by Article 331 of the Versailles Treaty; but this Article did not cover the Polish portions of the navigable course of the Oder's tributaries, since they did not provide more than one State with access to the sea.

The Court first of all states that the word "jurisdiction" in the question submitted must be taken to relate to powers possessed by the Commission under the treaties in force. Having next disposed of an incidental contention by Poland that the Oder Commission should have jurisdiction over the main river only, to the exclusion of tributaries, it reaches the question concerning the applicability to the present case of the Barcelona Convention.

The Court concludes that the Barcelona Convention cannot be relied upon as against Poland, and that therefore the question submitted must be solved solely on the basis of the Versailles Treaty.

On this subject, the Court first observes that as a result of the system adopted in the Versailles Treaty, the territorial limits of the regime of internationalisation and those of the Commission's jurisdiction are, contrary to Polish contentions, the same; the answer must, therefore, be sought

in Article 331 which deals with the territorial extent of the international régime and, more particularly in the words : " All navigable parts of such river systems which naturally provide more than one State with access to the sea ". As it is not contested that the Oder tributaries are navigable also in their Polish course, the question really is whether they should be considered as affording in this course, within the meaning of the Treaty, more than one State with access to the sea.

This question the Court answers in the affirmative, attaching decisive weight to considerations relating to the formation of the principle of freedom of navigation on so-called international rivers and to the conception of international river law as laid down in 1815 by the Vienna Congress and subsequently developed. While the desire to provide upstream States with access to the sea, has no doubt—according to the Court—played a part in this development, the main idea, nevertheless, is that of a common legal right based on the community of interests of riparian States, and involving as one of its essential features the perfect equality of all these States in the use of the whole navigable course of the river. This idea, which is obviously incompatible with that of an internationalisation stopping short at the last political frontier upstream, was adopted by the Versailles Treaty, which even extended the right of the free use of the international river to all States, whether riparian or not.

Taking these grounds as its basis, the Court reaches the conclusion that the Commission's jurisdiction extends to the portions of the tributaries of the Oder which are in Polish territory.

As to the upstream limit of the Commission's powers, the Court refers to the principles laid down in Article 331 of the Versailles Treaty, which establishes a criterion of navigability.

The Court's decision was reached by nine votes to three.

(e) *The Chorzow Factory Case.* — On September 13th, 1928, the Court instituted an expert enquiry with regard to this case. On November 27th of the same year, the German and Polish Governments noted that an agreement



had been concluded on November 12th between the Polish Treasury and the German companies concerned with regard to the settlement of this question. The President of the Court then issued an order closing the enquiry and on May 25th, 1929, the Court noted that in virtue of the agreement of the parties, the proceedings were closed.

(f) *The Sino-Belgian Case.* — On November 25th, 1926, the Belgian Government instituted proceedings against the Chinese Government before the Permanent Court with regard to the denunciation by China of the Sino-Belgian Treaty of November 2nd, 1865, one of the so-called "unequal treaties". Subsequently, at a request made by Belgium on the grounds that negotiations were in progress, the time-limit for filing written documents was, on three occasions extended with the consent of China.

It finally expired on February 15th, 1929.

On February 14th, the Belgian Government informed the Registrar that "the dispute between Belgium and China was virtually settled in consequence of the conclusion of a preliminary treaty signed at Nanking on November 22nd, 1928, which would shortly be ratified". The Belgian Government accordingly wished to discontinue the proceedings and requested that the suit should be struck off the list.

On May 25th, the Court issued an order closing the proceedings.

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## CHAPTER III

### LEGAL AND CONSTITUTIONAL QUESTIONS

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- I. Codification of International Law : (1) Termination of the Preparatory Work for the First Codification Conference ; (2) Work of the Spécial Committee. —
- II. The Paris Pact and the Covenant. — III. Article 19 of the Covenant. —
- IV. Ratification of Agreements and Conventions concluded under the Auspices of the League of Nations. — V. Registration of Treaties. —
- VI. International Institute for the Unification of Private Law.

In the field of international law the League's work was mainly devoted to the preparation of the First Codification Conference which will open at The Hague on March 13th.

The decision taken by the Tenth Assembly concerning a study of the relations between the Pact for the Renunciation of War and the Covenant, the discussions concerning the ratification of agreements and conventions concluded under the auspices of the League, and the debate on Article 19 of the Covenant were also of considerable interest.

#### I. — CODIFICATION OF INTERNATIONAL LAW

(1) *Preparation for the First Codification Conference.* — The Preparatory Committee finished its work; in the light of replies from thirty Governments to its request for information, it drew up a series of principles and bases of discussion for the Conference. These texts are not the expression of the opinion of the members of the Committee; they are based on the examination of replies of Governments and are merely a statement of the provisions in regard to which agreement appears to be established.

The texts prepared concern the three questions submitted to the Conference for codification : nationality, territorial waters and the responsibility of States for damage suffered in their territory by the person or property of foreigners. In preparing the bases of discussion, the Committee took into consideration the resolutions adopted in recent years by the Institute of International Law and the International Law Association, and the work done under the direction of Harvard University. It believes that they may furnish the Conference with valuable material on the state of positive law and on any practical difficulties that may have arisen between States in regard to the subjects on the agenda.

The Council forwarded the results of its work to the various Governments and decided to invite to the Conference, in addition to the Members of the League, the United States of America, Brazil, Costa Rica, the Free City of Danzig, Egypt, Ecuador, Iceland, Mexico, Monaco, San Marino, Turkey and the Union of the Soviet Socialist Republics. As President, it appointed M. Heemskerke, former Prime Minister of the Netherlands.

(2) *Work of the Special Committee.* — In 1928, the Assembly asked that an endeavour should be made to establish a survey of subjects of international law with a view to their codification, as well as a systematic classification of general conventions, with a view to publication in the form of a code. The Council entrusted this task to three jurists : M. Diena (Italian); M. Guerrero (Salvador); and M. Walter Schucking (German).

The Tenth Assembly noted the survey established by the jurists. From the report on the publication of general conventions in the form of a code, it appeared that this could not at present be satisfactorily achieved. The Assembly expressed the opinion that a first attempt should be made to codify conventions dealing with special subjects, i.e., to summarise briefly clauses recurring in a great number of conventions, so as to determine the texts actually in force and eliminate those which are obsolete. It accordingly requested the Council to call the attention of the League's technical organisations to the possibility that it might be desirable to make an effort in this direction with the assistance of the Secretariat and eventually

in collaboration with the international bureaux, with a view to having the results of the work brought into force by appropriate international conventions.

## II. — THE PARIS PACT AND THE COVENANT

This question was raised by the British delegation on the second day of the Tenth Session of the Assembly when Mr. Ramsay MacDonald, made a speech containing the following passage :

I would like you to consider the effect of the Pact of Peace upon the assumptions of certain clauses of the Covenant of the League of Nations. There were certain clauses, certain assumptions, certain ideas in the back of our minds when the Covenant was drafted which already represented a dead age. In order to make the Pact effective, I would draw your attention especially to Articles 12 and 15 of the Covenant and ask you to consider whether we cannot bring that very old document into relation with certain things that have happened since . . .

Some days later, the first delegate of Belgium, M. Hymans, made a speech supporting this idea. He said :

There is, of course, no real discrepancy between them, and it was formally stated, before the Paris Pact was signed, that it left intact the rights and obligations arising from the Covenant of the League and the Locarno Treaty. The clauses of the Paris Pact cover the obligations under the Covenant, and widen them; nevertheless, it must be confessed that there is some disproportion between the utter condemnation of a war of aggression, the total and absolute renunciation of war as an instrument of national policy on the one hand and, on the other, the more limited measures of the Covenant, which, as you know, leaves the door half open for war, and considers it, in certain cases, quite legitimate.

I think it is time we tried to unify and codify this system, to put an end to a multiplicity of commitments which creates confusion. Clearness begets confidence, and confidence is vital if international engagements are to be sound and solid.

Finally, the British Foreign Secretary, Mr. Henderson, after comparing Articles 12 and 15 of the Covenant with

the texts contained in the Pact for the Renunciation of War, defined as follows the views of his delegation :

Let me cite briefly some concrete examples of what I mean. Paragraph 1 of Article 12 of the Covenant reads as follows : "The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report of the Council.

Observe, if you please, that, after an award or a decision or a report has been made and after three months have gone by, a party to a dispute under the Covenant is free to resort to war unless the other party has accepted the award. Under the Covenant they still have this freedom, but under the Pact they have no such freedom; they have relinquished it.

Similarly, paragraph 6 of Article 15 lays down that, if the report by the Council is agreed to by all the Members of the Council, if one party accepts that report while the other does not, the accepting party may resort to war against the party which does not accept. Thus, under the Covenant, Members of the League retain the right to resort to war to secure justice for themselves. Under the Pact of Paris, the Pact of Peace, that same right has been renounced.

Likewise, paragraph 7 of Article 15 lays down that, if the Council fails to reach a report to which it unanimously agrees, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice. Under the Covenant they have this right to go to war. Under the Pact of Paris, the Pact of Peace, they have given up that right.

Mr. Henderson finally deposited, on behalf of the British, Belgian, Chilean, Danish, French and Italian delegations, a draft resolution inviting the Assembly to take account of the progress made in the organisation of peace and to re-examine Articles 12 and 15 of the Covenant in order to decide whether it seemed necessary to make any modifications.

A somewhat similar proposal, submitted by the Peruvian delegation, urged the appointment of a Committee to study the necessary amendments with a view to embodying the Paris Pact in the Covenant.

Thus, the Assembly had to consider a double problem. First, the question of principle, whether it was desirable to amend the Covenant, and secondly, the question of procedure, should it be decided that amendment was necessary.

The question was referred to the First Committee, to which the British delegation submitted the text of the amendments it proposed.

Most of the delegates expressed the opinion that if the Covenant were to be amended it would be desirable to allow time for reflection. In this connection, the Rapporteur observed that the signature of the Paris Pact had been preceded by negotiations in the course of which its scope had been defined. The question was, therefore, to embody in the Covenant not merely the terms of the Paris Pact, but as it stood the prohibition of war resulting from that instrument.

On the proposal of its First Committee, the Assembly decided to appoint a Committee of eleven members to meet early in 1930. The Secretary-General will meanwhile forward to States Members the specific proposals submitted by the British delegation, so that Governments may present any observations they may wish to make.

### III. — ARTICLE 19 OF THE COVENANT

During the Tenth Assembly, the Chinese delegation deposited a proposal for the appointment of a Committee to study means of giving effect to Article 19 of the Covenant which provides that :

The Assembly may from time to time advise the reconsideration by the Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

The Chinese delegation recalled that Article 19 was one of the essential articles of the Covenant in the cause of international co-operation and peace and had not once been acted upon. This circumstance it ascribed

to the fact that the Assembly had not had the necessary assistance and advice.

During the debate in the First Committee, to which the Chinese proposal was referred, the Abyssinian delegation stated that, as regards the question at issue, its country was in a position similar to that of China.

The Assembly did not feel able to agree to the Chinese proposal to appoint a Committee, but it noted the Chinese delegation's statements to the effect that certain treaties formerly concluded between China and other States were inconsistent with present conditions in China and had thus become inapplicable within the meaning of Article 19 of the Covenant.

Recognising that the question of the application of Article 19 had already been studied, the Assembly declared that a Member of the League might, on its own responsibility, subject to the rules of procedure of the Assembly, place on the agenda the question whether advice should be given, as contemplated in Article 19, regarding the reconsideration of the treaties which it considered to have become inapplicable, or the consideration of international conditions whose continuance might endanger the peace of the world. The Assembly also declared that, for an application of this kind to be recommended, it must be couched in appropriate terms, that is, in terms that were in conformity with Article 19. In the event of an application in such terms being placed on the agenda, the Assembly would, in accordance with its ordinary procedure, discuss this application and, if it saw fit, give the advice requested.

#### IV. — RATIFICATION OF AGREEMENTS AND CONVENTIONS CONCLUDED UNDER THE AUSPICES OF THE LEAGUE

The Assembly was concerned at the delay in the ratification of agreements and conventions concluded under the League's auspices. For several years the Council and the Secretariat had been endeavouring to remedy this situation (1), but the Assembly did not consider that

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(1) See the *League of Nations from Year to Year, 1927-1928*.

their efforts had produced satisfactory results. The Danish delegate deposited a draft resolution for the appointment of a Committee to study the reasons for the delay and possible remedies. In the course of the discussion, the British delegate recalled that many League conventions dealt with economic and social questions which were closely connected with general economic progress. It further observed that as regards twenty-two of the forty-five conventions concluded since 1920, no progress had been made and the others had not obtained the requisite number of ratifications.

The Assembly finally requested the Council to appoint a Committee to study the reasons for the delay and the possibility of increasing the number of signatures, ratifications and accessions in respect of League conventions.

## V. — REGISTRATION OF TREATIES

From October 1st, 1928, to September 30th, 1929, 310 treaties and international agreements were presented for registration by Members of the League or communicated by other States.

As usual these treaties deal with a variety of subjects, such as arbitration, conciliation and the pacific settlement of disputes; alcohol and drugs; trade, navigation and Customs; consular and establishment conventions; private law; economic, financial and taxation questions; the tracing of boundaries and frontier traffic; tonnage measurement; legal questions and extradition; air traffic; fisheries; treaties of peace and friendship, sovereignty, alliance, etc.; postal, telephone, telegraphic and wireless questions; social and labour questions; refugees; the application of the peace treaties; health questions; transit waterways and inland navigation; general relations; intellectual relations.

Of the 310 treaties registered, 32 are treaties of arbitration and conciliation; 66 are treaties of commerce and navigation; and 21 deal with economic matters.

During 1929, the Secretariat published an index of the treaties registered from No. 1001 to 1,500 which is the continuation of a previous publication dealing with the first thousand treaties registered. This index contains



chronological and alphabetical tables, arranged according to subjects, explaining the nature of each treaty, indicating the contracting parties and the position as regards each international agreement registered.

Up to the present, 85 volumes of some 450 pages each, containing 1,950 treaties have been published by the Secretariat.

#### VI. — INTERNATIONAL INSTITUTE OF PRIVATE LAW.

During its first year of existence, the Institute for the Unification of Private Law, which was opened on May 30th, 1928, completed its administrative arrangements and organisation. It undertook work in connection with the draft Convention prepared by the Economic Committee with a view to the harmonisation of laws on bills of exchange and cheques; the unification of sales contracts; the unification of laws concerning maintenance and the unification of arbitral procedure in private matters.

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## CHAPTER IV

### THE ECONOMIC AND FINANCIAL ORGANISATION

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- I. Conventions and Agreements : (1) International Convention on Economic Statistics; (2) Standard Conventions on Double Taxation and Tax Evasion; (3) International Convention for the Suppression of Counterfeiting Currency; (4) Agreements on Hides and Bones; (5) Ratification of the Convention for the Abolition of Import and Export Prohibitions and Restrictions. — II. Economic Studies and Enquiries : (1) The Most-Favoured-Nation Clause. Preparation of Collective Agreements; (2) The Coal Problem; (3) The Sugar Problem; (4) International Industrial Agreements; (5) Customs Nomenclature; (6) Agriculture; (7) Exploitation of the Riches of the Sea; (8) Prevention of Smuggling. — III. Financial Questions : (1) Financial Reconstruction and Refugee Settlement Work in Greece; (2) Financial Reconstruction and Refugee Settlement Work in Bulgaria; (3) The Purchasing Power of Gold. — IV. The Economic Position in 1928 and the Application of the Recommendations of the Economic Conference. — V. The Assembly and the Customs Trade. — VI. Relations between the League and the Bank of International Payments.

By far the most important event of the year in the economic field, was the Assembly's decision of September 1929, to invite Governments to conclude a tariff truce with a view to facilitating the negotiation of agreements for the reduction of trade barriers.

Two conferences, organised under the direction of the Economic and Financial Organisation, concluded international conventions on economic statistics and the counterfeiting of currency. Another conference prepared standard conventions on double taxation and tax evasion. Other draft conventions concern the treatment of foreigners and the harmonisation of laws on bills of exchange and cheques.

The work of the Economic Committee further included the establishment of principles for the drafting of the most-favoured-nation clause. It undertook enquiries into problems of the sugar and coal industries, when necessary, with the help of experts and the co-operation of international organisations. It continued its studies or initiated enquiries regarding industrial agreements, Customs nomenclature, veterinary police measures, the exploitation of the riches of the sea, the suppression of smuggling, etc.

The Financial Committee supervised the execution of schemes for financial reform and refugee settlement in Bulgaria and Greece and undertook several new tasks. The Consultative Economic Committee reviewed the work of the Organisation during the past year, gave directions regarding the methods to be adopted for the continuation of certain enquiries and made a general survey of the economic situation and the position as regards the execution of the recommendations of the Economic Conference of 1927.

This examination gave rise to apprehensions which led a few months later to the Assembly resolution on the tariff truce.

## I. — CONVENTIONS AND AGREEMENTS (I)

(1) *Convention on Economic Statistics.* — For a long time Governments and business circles had recognised the importance of statistics showing the economic position and development in the world as a whole and in the different countries, and of compiling them in such a way as to render them comparable. Some progress had been made before the war, but it was necessary to continue and develop this work. To this end a Convention was concluded on December 14th, 1928, by an International Conference at which M. William Rappard (Switzerland) presided. Forty-two countries were represented including four non-Member States—the United States of America, Mexico,

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(1) See the *League of Nations from Year to Year, 1926-1927*, for the details of the preparatory work of the Conference on Double Taxation and Tax Evasion. See the *League of Nations from Year to Year, 1927-1928* for the preparatory work for the Conferences on Statistics and Counterfeiting Currency.

Turkey and the Union of the Soviet Socialist Republics. The International Institute of Agriculture, the International Chamber of Commerce and League organisations, such as the Economic Committee and the Transit Committee, were represented in an advisory capacity.

The Convention, which has been signed by twenty-six States, covers a very wide field. It embodies definite obligations as regards the scope of economic statistics and the methods to be applied in compiling international trade statistics. It further provides for the adoption of certain guiding principles in compiling statistics of fisheries and mineral and metallurgical output, indices of industrial activity and censuses of agricultural and industrial production.

The minimum programme of economic statistics, which signatories undertake to publish, includes the working population, the land on which or the establishment in which that population is occupied, the products of their industry, the international exchange of those products and the variations in prices.

With regard to the methods to be applied in compiling statistics of international trade, not only was agreement reached on the vexed question of the definition of the terms "general, special and transit trade", but it was decided that but more or less uniform systems of valuation should in future be applied and that the statistics themselves should relate to the whole political territory of States (including free ports, free zones, etc.) and not merely to the Customs area. When the Convention comes into force (1), these provisions will go far to remedy the present lack of comparability between national statistics of external trade.

As regards methods, it was not possible to secure in respect of industrial statistics an agreement as comprehensive in scope or as binding in character as that achieved in respect of statistics in international trade. But the principles laid down will none the less serve a useful purpose in directing future development into common channels.

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(1) Ten ratifications are required for the coming into force of this Convention. Two have so far been deposited (Norway and Denmark).

To reduce the number of reservations to a minimum, the Convention was so drafted as to embody obligations varying according to the class of statistics and the economic or statistical development of each country. The obligation assumed by the more advanced countries is wider than that assumed by those for whom the adoption of the minimum programme will in itself constitute a definite advance.

The Convention provides that, as soon as it has come into force, a Committee of Technical Experts shall be appointed to supervise the execution of its provisions and promote further progress in the field of economic statistics. In addition to its special terms of reference under the Convention, this Committee will make suggestions for the improvement or amplification of the Convention and for the promotion of international uniformity in respect of classes of economic statistics not dealt with in the Convention. It will also examine any suggestions towards these ends that may be submitted to it by the Governments of Contracting Parties.

The Council referred to the Economic Committee two recommendations of the Conference. The first concerns the desirability of holding, within as limited a period as possible and in towns situated as near as possible to each other, such international statistical conferences as may be proposed in any particular year. The other, the adoption by all countries of precise definitions and a uniform practice in the use of the terms "gross weight", "net weight", "legal net weight", etc.

The Council further requested the Secretary-General to enquire what countries with highly developed statistical systems desire to establish among themselves, informally or formally, understandings with a view to securing comparability in regard to certain classes of economic statistics not dealt with in the Convention; and to draw up and revise from time to time a list of ports open to international trade.

*2. Standard Conventions on Double Taxation and Tax Evasion.* — A general meeting of Government experts from twenty-eight countries, including the United States and the Union of the Soviet Socialist Republics, was held

at Geneva from October 22nd to 31st, 1928, under the presidency of M. Clavier (Belgium). This meeting marked an important stage in the progress of the work undertaken by the League in regard to double taxation and tax evasion (1), which has been conducted in much the same way as other branches of the League's economic work. Just as the League is endeavouring by a draft Convention on Treatment of Foreigners (2) to secure freedom of action for persons and enterprises and by the application of the resolutions of the Economic Conference to promote the free circulation of wares, it proposes by the abolition of double taxation to facilitate the free flow of capital.

The question of double taxation, which has arisen as a counterpart to the development of international trade and the consequent investments and residence abroad, and which naturally presents very different aspects to States importing and States exporting capital, became urgent and serious as a result of the rapid and unprecedented increase of taxation since the war. Certain revenues, upon which taxes are levied in two countries, pay away 80-100 per cent, *theoretically sometimes more*. This double taxation has had a most unfortunate influence on the development of international relations, world production and the flow of capital. It affects in particular undertakings and persons who exercise their trade or profession in several countries or derive their income from countries other than the one in which they reside; it tends to paralyse their activity and to discourage initiative.

At the same time, excessive taxation, by its very burden, brings in its train tax evasion, which may take two forms. The taxpayer invests his money or collects his revenue abroad, leaving his country in ignorance of his real income, or by residing abroad makes it impossible for his country to collect his taxes, as such measures as that country might take to recover taxes cannot be applied in the territory of a foreign State.

In view of the diversity of existing systems of taxation, the meeting of Government experts, which marked the

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(1) By double taxation is generally meant the obligation of a person resident in one country and deriving revenue from another to pay taxes on the same income in both countries.

(2) See below.

conclusion of a long series of studies and investigations beginning in 1920, refrained from drawing up general and collective conventions and confined itself to preparing the text of bilateral conventions, adopting finally six standard conventions to serve as a basis of negotiation. Four of these conventions concern double taxation as regards income tax and succession duties, while the two others endeavour to cope with tax evasion by a system of international co-operation in the assessment and recovery of taxes.

The question of double taxation and tax evasion has already been dealt with by international conventions and provisions of internal law. The Secretariat has collected no fewer than 128 conventions and laws, all of which are actually in force. The merit of the experts is to have achieved some measure of uniformity in international fiscal law as well as to have provided a basis for negotiation between countries which had not hitherto been able to negotiate because their fiscal systems were too dissimilar.

Draft conventions are, however, inadequate for the prevention of double taxation. It is necessary above all to guard against any relaxation of effort and to follow up all progress achieved, to give such progress publicity and constantly to call attention to what has still to be done. This was realised by the Government experts who, before dispersing, unanimously recommended the creation, within the framework of the League organisation, of a Committee to study taxation questions. The Council appointed this Committee in March, 1929. It is composed of twelve members, for the most part directors of revenue boards, namely : Mr. Thomas S. Adams (American), M. Hans Blau (Swiss), M. Gino Bolaffi (Italian), M. Marcel Borduge (French), M. Clavier (Belgian), N. H. Dorn (German), M. Flores de Lemus (Spanish), M. Mantzavinos (Greek), M. Sinninghe Damste (Dutch), Sir Percy Thomson (British).

A Latin-American member and a member from an Asiatic country will be appointed later.

Following the plan adopted in the Economic Committee, the Fiscal Committee further includes corresponding members in each of the countries not otherwise represented on it.

The principal duty of this Committee is to hasten the solution of problems of double taxation and assistance in the assessment and the collection of taxes. It will give special attention to the following points: periodical investigations and reports on the general situation in regard to these problems; the preparation of model bilateral conventions or collective conventions and revised texts thereof; any other international measures to eliminate double taxation and to secure a more equitable distribution of fiscal burdens; the comparison of fiscal systems; preparation of a general convention should such be contemplated. It will further study any questions relating to taxation that the Council may see fit to refer to it.

3. *International Convention for the Suppression of the Offence of Counterfeiting Currency.* — A diplomatic Conference for the conclusion of a convention on the suppression of counterfeiting currency met on April 9th, 1929, with M. V. Pospisil (Czechoslovakia) in the Chair.

This Conference, which was attended by thirty-five States, including the United States of America, Turkey and the Union of Soviet Socialist Republics, drew up a Convention whose object was to render more effective the prevention and punishment of counterfeiting currency by various legislative and administrative measures. The Convention provides rules for unifying to a certain extent the penal laws of the signatory Powers and for the centralisation and co-ordination of police action in the various countries. With regard to the latter point, the Convention provides that a central office shall be established in each country to investigate cases of counterfeiting currency. There are stipulations regarding the organisation and working of these offices and the institution of a central international office with which the national offices will correspond.

By the Final Act adopted by the Conference, Governments are invited to take, as far as possible even before ratification, the appropriate administrative measures for the organisation of the services provided for in the Convention, and they are also requested to notify the League of the existence of a central office for the prevention of counterfeiting currency. It is provided that as soon as



fifteen central offices have been created, the first conference of representatives of those offices may be summoned by the Council. It is suggested that, pending the creation of an international office, Governments should continue to make use of the Office established by the International Criminal Police Commission at Vienna. It is further suggested that rules for the extradition of accused or convicted persons shall be unified on an international basis with a view to obtaining a really effective suppression of crime, and that the despatch and execution of letters of request should be regulated by an international convention with a view to establishing a uniform system of rules.

An optional Protocol was prepared under which Contracting Parties may undertake, in their mutual relations, to consider the acts referred to in the Convention as ordinary offences for purposes of extradition.

The Convention is open for the signature of all States Members of the League and of all non-Member States invited to accede. It will come into force as soon as five ratifications or accessions have been deposited.

As the Convention applies only to the falsification or defacement of paper money (including bank-notes) and of metal coinage, the Conference recommended that the League should consider the desirability of preparing an international convention for the prevention of counterfeiting other securities (share and debenture certificates, cheques, bills of exchange, etc.). The Council referred this question to the Financial Committee.

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Draft conventions on the treatment of foreigners and on the harmonisation of laws on bills of exchange and cheques were submitted last year to Governments and will be considered at international conferences which will meet on November 5th, 1929, and February 17th, 1930, respectively.

4. *Agreements on Hides and Bones.* — In 1928, international conferences, meeting under the auspices of the

League, concluded : (1) a convention for the abolition of import and export prohibitions and restrictions; (2) agreements on the trade in hides and bones.

The latter agreements came into force on October 1st, 1929, after a further conference which succeeded in removing the final obstacles to their execution. Seventeen States are now parties to these agreements and thereby undertake to suppress, on October 1st, 1929, at the latest, all export prohibitions and duties on raw hides. They also undertake to suppress all import prohibitions on bones and agree that export duties on bones shall not exceed certain maximum rates.

As regard bones, agreement was reached by means of a special Protocol by which certain States renounced the integral exercise of their rights under the Agreement of July 11th, 1928. This Protocol was signed by Austria, Czechoslovakia, Hungary, Italy, Poland, Roumania, Switzerland and Yugoslavia.

The agreements on hides and bones are the first collective agreements on tariff questions concluded since the war. Their real significance can hardly be measured by the specific case to which they apply, for they are in fact the first step towards one of the principal goals fixed by the International Economic Conference of 1927, namely, the gradual reduction of Customs barriers by concerted action.

5. *Ratification of the Convention for the Abolition of Prohibitions.* — As regards this Convention, the situation is not so satisfactory. To come into force, it was necessary that the Convention should be ratified by at least eighteen States before September 30th, 1929, and by that date only seventeen States had deposited their ratifications. Among these seventeen States were neither Germany, Poland nor Czechoslovakia, whose ratification was, according to the terms of the Convention, indispensable.

In these circumstances, the Council authorised the Secretary-General to summon, early in December, a meeting of the Governments which had ratified the Convention before September 30th, 1929. The object of this meeting, which will be held under the presidency of M. Colijn (Netherlands), is to consider the possibility of bringing

the Convention into force between the States which have ratified it, even though the conditions have not been entirely fulfilled.

## II. — ECONOMIC STUDIES AND ENQUIRIES

I. *Commercial Policy and Collective Agreements regarding certain Groups of Wares.* — Last year, the Economic Committee drew up certain essential principles implicitly contained in the actual conception of commercial policy (tariffs, treaty-making methods, etc.). This year it turned its attention to the application of the most-favoured-nation clause and the exceptions of which it admits and drew up a doctrine calculated to dispose of the disputes to which the application of the clause had hitherto given rise. It also agreed upon a standard formula, and at its request the Council communicated its doctrine to Governments, expressing the hope that they would be guided by it in their commercial policy.

On this subject, Dr. Stresemann reported to the Council as follows : " In particular, the codification of most-favoured-nation treatment in regard to Customs matters—which treatment, according to the Committee's conclusions, shall be unconditional and unrestricted—the establishment of clear and uniform principles for the application and interpretation of the law and the establishment of a standard formula suitable for adoption by States in their commercial conventions will no doubt aid in preventing the disputes and controversies to which the application of the clause has hitherto given rise. The adoption by the different States of the principles drawn up by the Committee would be of great relief to international trade and might materially help in the restoration of more satisfactory relations between States ".

The Economic Committee also studied the connection between bilateral agreements based on most-favoured-nation treatment and plurilateral agreements concluded, or to be concluded, under the auspices of the League. The question which arises in this connection is whether States not parties to a convention can, by virtue of bilateral agreements based on the most-favoured-nation clause,

claim the benefit of any advantages mutually conceded by the signatories of the convention. The Committee did not find it possible to reach a general and final solution of this difficult problem. It was, however, unanimously of opinion that the insertion in bilateral treaties of a reservation concerning plurilateral conventions could only be justified in the case of plurilateral conventions of a general character aiming at the improvement of economic relations between peoples. (On all these questions, the Committee's reports have been communicated to Governments.)

The Economic Committee continued its enquiries into the possibility of concluding collective agreements in respect of certain groups of goods. As regards aluminium, it came to the conclusion that present circumstances were not favourable to concerted action for the abolition or reduction of duties on this product.

On the contrary, for cement, it considered that concerted action would be of great value in view of the disparity between tariffs. As a result of a semi-official enquiry among Governments, the Committee noted that many of the parties interested in the cement production and trade would be prepared to take part in a meeting to examine the Customs régime applicable to cement. Owing, however, to the absence of any information as to the attitude of certain Latin-American countries which play an important part in the international cement trade, the Committee decided to organise a preliminary consultation of experts on the subject.

In view of the practical results obtained as regards export duties on hides and bones, the Consultative Economic Committee expressed the opinion that enquiries dealing successively with commodities of considerable importance in the general volume of international production and trade would be the best method of obtaining a reliable idea of existing possibilities of reducing tariff barriers by multilateral agreements. It accordingly recommended that commercial or industrial conferences should be summoned and should include representatives of the producers, traders, and consumers of certain groups of wares.

2. *The Coal Problem* (1). — The object of the enquiries and consultations undertaken by the Economic Committee in connection with coal and sugar was to decide whether collective action might contribute to solving the difficulties encountered by these industries. After surveying the problem as a whole, with the aid of preparatory material, the Committee appointed a delegation to consult experts familiar with all aspects of the coal question.

Eleven eminent technicians, belonging both to consuming and producing countries, held a meeting at Geneva from January 8th to 12th, 1929, in the presence of a delegation of the Economic Committee, assisted by the Secretariat, to which were attached officials from the International Labour Office.

As a result of this meeting, the Committee decided to continue the enquiry by consulting labour experts, but without overstepping the technical boundaries it had assigned itself. Accordingly, nine experts, whose names had been put forward by the International Labour Office, met at Geneva from February 27th to March 2nd, 1929. The material submitted to the first group of experts was laid before them and they were asked to reply to the same questions.

In the course of these two meetings, the material was supplemented and brought up to date by means of detailed discussions which contributed to put the coal problem in its true perspective by emphasising the difficulties inherent to the problem, which vary according to countries.

Without waiting for the end of its enquiry, the Committee thought it advisable to submit to the Council a preliminary report on the international aspects of the problem. This report, a brief summary of which is given below, describes the situation as resulting from the information so far obtained.

During the last decade very rapid progress has been made in the scientific conservation of heat and in the extraction of the maximum of energy from the coal burnt. The competition which coal has had to face from liquid fuel

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(1) The preliminary report of the Economic Committee on this question was entitled: "The Problem of the Coal Industry; Its International Aspects."

and hydraulic power has rapidly increased. Owing to this industrial evolution, the world consumption of coal has grown to a slight extent only.

On the other hand, the capacity of coal production has greatly increased. Cut off from their normal sources of supply during the war, many States were driven to open up their own deposits. The capacity of production has also increased as a result of the normal progress of the industry and owing to the special incentive which the depression of recent years has given to more scientific and economical methods of production.

The disequilibrium between capacity of production and consumption led naturally to a struggle between the exporting countries to secure new markets or to maintain old ones, and to an endeavour by others to ward off foreign competition by entrenching themselves behind protective barriers, or to surmount barriers erected elsewhere by commercial methods anti-economic in character.

These protective measures have gradually accumulated over a series of years, because each temporary accentuation of the depression has led to the construction of new barriers and it has proved easier to construct than to dismantle. The general effect of most of these local and national measures has been to shift the incidence, while increasing the extent, of the depression of the coal industry as a whole.

In face of these difficulties, nearly all the experts agreed that the coal problem, as it affects Europe, had elements which were international in character.

Various solutions were proposed :

(a) that international agreements between producers should be arranged concerning output, markets and prices;

(b) the appointment of a special International Committee representative of all interests—Governments, employers, miners, merchants and consumers;

(c) measures for assimilating, if not equalising, wages, hours and social conditions of labour;

(d) abolition of the existing artificial restrictions to the coal trade and of artificial stimuli to production.

The Economic Committee has not yet finished its work. It has been recognised that further consultations will be necessary so that the enquiry may enter into a new stage which will enable the Committee to draw up conclusions and recommendations with regard to the feasibility and desirability of concerted international action (1).

The Assembly approved the general lines on which the enquiry had been conducted. It invited the Governing Body of the Labour Office to consider the possibility of summoning at an early date a technical conference of Government employers and workers, representatives from the principal coal producing countries in Europe. This conference will be called upon to study questions concerning labour conditions in the mines in order to indicate to the Governing Body what points it might be desirable to include in the agenda of the 1930 International Labour Conference with a view to practical international agreement.

The Assembly invited the Council to examine: (1) any recommendations which the Economic Committee might put forward with regard to fluctuations in prices and the differences between production and requirements; (2) the expediency of summoning a conference of the Governments concerned to study these recommendations.

3. *The Sugar Problem* (2). — As in the case of coal, the Economic Committee decided that it was, in the first place, necessary to collect sufficient data to make a worldwide orientation possible. It then applied to well-known sugar statisticians to check and co-ordinate the information.

The reports submitted revealed that the present state of the sugar industry throughout the world was essentially due to lack of balance between production and consumption.

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(1) A consultation was held on September 30th, 1929. The specialist-present included persons reflecting the opinion of producers and workers' organisations.

(2) For further details, see the "Memoranda on Sugar" prepared for the Economic Committee by M. H. C. Prinsen Geerligs, M. F. O. Licht and M. Gustave Mikusch, Geneva, 1929, and also the "World Sugar Situation", report of the League of Nations' Economic Committee, Geneva, 1929.

The Committee was of opinion that it would hardly be consistent with the League's rôle to take any action with a view to checking the natural development of production. But it considered that it might be useful to study the results of artificial measures to develop sugar production and also the possibility of increasing consumption.

The Committee accordingly appointed a delegation to continue its enquiry into the sugar industry. This enquiry comprised two stages — a consultation of experts on sugar manufacture and refining and a consultation of experts on beet-growing.

The Economic Committee's report to the Council contained the following conclusions :

The difficulties with which the industry is at present beset are such as can, to a large extent, either remedy themselves or be remedied by those responsible for the conduct of business. We have to consider, therefore, that we are called upon to express a view concerning the relative merits of the various proposals for purely private action which have been put forward.

Though it is true that the majority of the experts—representatives both of industry and of agriculture—were of opinion that in existing circumstances the conclusion of a convention between States, based on the principles of the Brussels Convention, would not be likely to provide a solution for the crisis, all were agreed in recognising that the difficulties have been accentuated by the measures taken in many countries to stimulate the production of sugar without consideration of the effects of their unco-ordinated action on the world situation.

It is possible that action by producers, in accordance with an agreed plan, might render superfluous some of the artificial measures by which the sugar industry benefits in certain countries. Should that be so, the time might have come for the States concerned to examine afresh the regime they have established to encourage the production or sale of sugar, having due regard to the essential interests of agriculture; and, should they find themselves unable to modify this regime without other countries acting similarly, to make known their views in regard to the taking of joint action.

For the rest, the Economic Committee will continue to watch carefully the further developments of the sugar question in order to be in a position to furnish the Council at any moment with information enabling it to judge whether concerted



international action could further the solution of the problems under consideration.

Finally, we venture to suggest to the Council that the attention of Governments should be drawn to the desirability of ascertaining whether there is any possibility of lowering their excise duties on sugar without adversely affecting their fiscal position.

The Council accordingly decided to draw the attention of Governments to the possibility of lowering their excise duties as recommended in the final conclusion of the Economic Committee.

The Assembly requested the Council to consider whether it would be necessary to summon a meeting of the representatives of the Governments concerned.

4. *Industrial International Agreements.* — In this connection, the studies of the Economic Committee mainly concerned the development of the forms of organisation of international industrial agreements and the legal framework within which that development was taking place.

In the economic history of the last fifty years, the growth of the various forms of economic association and the development of the rules of law which govern them have been proceeding on parallel lines and now tend to converge. Even where the letter of the law has remained unchanged, a more or less satisfactory adjustment is taking place owing to the development of case law and the introduction of administrative practices.

A comparative study of these changes reveals the nature of the relations between economic associations and public authorities in their capacity as guardians of the interests of the public. These rules constitute, often for different and entirely opposite reasons, the main problem in all quarters, whether among producers or consumers.

With the gradual increase in the number and importance of agreements covering several countries, the problem is transferred from the national to the international plane. But here again, it seemed necessary, before attempting to frame a policy, to make a legal and economic enquiry with a view to determine how far and in what form—whether by legislation, judicial or administrative measures,

or by the growth of common law—the countries in which agreements play an important part are carrying out the two fundamental principles : namely, free development of agreements as an essential factor in economic progress and the possibility of intervention to safeguard the interests of the public where the economic power of the combination is being misused. For these reasons, the Committee decided to begin with the legal questions.

It sought the assistance of three legal experts from Germany, France and the United States of America, as representing the three most characteristic and important legal systems. In co-operation with the Secretariat, these specialists will draw up a preliminary statement on the character and development of the principles on which the laws in force in the different countries are based and, in particular, on the standpoint at present adopted as expressed, not only in legislative discussions, but by jurisprudence and administrative practice.

As regards the economic aspects of the problem, the Secretariat is continuing and developing under the direction of the Economic Committee its investigations with regard to the form, subject matter and economic rôle of industrial agreements on the basis of information which is to be prepared or has been obtained from persons interested in the economic work of the League.

The Consultative Economic Committee recommended that the International Labour Office should continue its study of rationalisation and that the Economic Committee should pursue its enquiry with regard to international industrial agreements with special reference to the status of such understandings, their juridical forms and the legislation controlling them.

5. *Customs Nomenclature.* — The experts establishing a uniform Customs nomenclature, drew up the first twenty-five chapters of their draft. In addition to these chapters, taken in the order of the framework, the experts tabulated one or two important chapters of later sections in order to assist the Economic Committee in its work on Customs tariffs. At present, more than a third of the work is finished. Several sessions of the

Sub-Committee of Experts will still be necessary before the draft can be completed.

It may nevertheless be expected that the more important part of the work will be terminated before the next session of the Assembly, *i.e.*, by the end of August 1930. The preparatory work has been actively pursued and, as regards certain important industries, the principles of agreement with the circles concerned have been established.

The sections which have still to be studied concern textiles, metals, machinery and electrical appliances.

6. *Agricultural Questions.* — Agricultural difficulties played a considerable part in the discussions of the Consultative Committee. The importance of bringing them within the scope of the general economic work of the League was strongly emphasised and the principle of the interdependence of the industrial, commercial and agricultural factors reaffirmed, the Committee's view being that the time had come for the association of agricultural experts with the current work of the League. The League already collaborates with the Institute of Agriculture in accordance with arrangements made last July. This, however, is not a complete solution of the problem, and the Committee considers that the Council should appoint a small number of qualified agricultural experts who would be associated with the Economic Organisation in such a way as to make their assistance most practical and effective.

During the past year, veterinary experts studied measures to facilitate the inspection of imported animals, in particular, in frontier railway stations. They considered the possibility of taking certain measures as regards exports that might simplify the corresponding importation. An examination of the question of the transit of animals and animal products showed that it might be possible somewhat to reduce formalities in this respect.

Another question studied was the possibility of classifying animal diseases according to gravity and risk of infection. The experts were of opinion that if—as they had previously recommended—States would furnish sufficiently ample and reliable sanitary information, it would be possible to adjust, more adequately than hitherto, sanitary

measures for the importation of animals to the dangers of contagion, against which every country wishes to protect its cattle.

The experts came to the conclusion that the desired result might be obtained by improved collaboration between veterinary services of different countries. For this purpose, they suggested interchanges of students, professors and veterinary staff.

The question of the overseas transport of congealed and frozen meats also received attention. The examination showed that the situation was satisfactory, partly owing to the efficient organisation of control in exporting countries, and that in this field exchanges of veterinary staff already take place.

The experts will shortly submit a general report on the question of the international trade in animals and animal products.

As regards plant diseases (1), the Economic Committee is about to confer with the International Institute of Agriculture as to how far any extension of international action in this matter is desirable and expedient and in what way the action and work could best be divided between the two bodies.

7. *Exploitation of the Riches of the Sea.* — In the course of its co-operation with the International Council for the Exploration of the Sea at Copenhagen, the Economic Committee came to the conclusion that the international measures which it might possibly recommend, with a view to the direct or indirect protection of marine fauna, could only be applied to whales, and, more particularly, to certain species of whales. The Committee's investigations are not sufficiently advanced to enable it at this moment to make concrete proposals. For this purpose, the Committee intends to consult specialists from the principal countries concerned.

8. *Smuggling.* — The Committee endeavoured to collect the fullest possible information concerning the

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(1) See *The League of Nations from Year to Year, 1927-1928*.

prevention of smuggling in general, and of alcohol smuggling in particular. It also considered the most recent and typical examples of the conventions concluded on the subject in order to ascertain what had already been done and what possibilities might remain. It instructed the Secretariat to complete its information so as to be able to judge whether international action appeared advisable.

As regards alcohol smuggling, the Committee, at the request of the Finnish Government, decided to postpone the submission of its report to the Council.

### III. — FINANCIAL WORK.

The principal features of the work of the Financial Committee during the year were the preparation of a draft convention on financial assistance, the execution of certain recommendations of the experts on double taxation and tax evasion (in particular, the creation of the Fiscal Committee) and a preliminary enquiry into the purchasing power of gold.

The Committee continued to watch over the execution of programmes of financial reconstruction and of refugee settlement in Greece and Bulgaria. It gave its opinion on a scheme for a loan which the Saar Governing Commission proposed to issue for the execution of certain public works.

It is interesting to note that a change is taking place in the character of the work of the Financial Committee. The era of financial reconstruction is passing, new developments are taking place and new needs have arisen, new institutions are being planned or established in the financial, as well as in every other sphere, of the world's activity. It is natural that the work of the Financial Committee should also change and should adjust itself to new conditions. Important features of its new work are the enquiry concerning the question of the fluctuations of the purchasing power of gold and the creation of the Fiscal Committee.

The work of the Committee on Financial Assistance

and the creation of the Fiscal Committee are described elsewhere (1).

The work of financial reconstruction and refugee settlement in Greece and Bulgaria and the enquiry into the purchasing power of gold are summarised below.

1. *Greece*. — Generally speaking, the financial situation of Greece and the position of the National Bank are satisfactory.

As regards refugees, progress was made in agricultural settlement. A large number of agricultural improvement stations was put into operation, and agreements were concluded with capitalists with a view to the execution of drainage and irrigation works.

The scheme for the settlement of refugees in the Islands of the Eastern Ægean, more particularly Mitylene and Chios, has now been completed. As regards urban settlement, progress has been made in the execution of a building programme of 10,000 houses. It is expected that the Greek Refugee Settlement Commission will be wound up in the second half of 1930. As, however, neither the land survey nor the final distribution and evaluation of rural allotments and plots for urban dwellings will be terminated at that moment, the Refugee Commission is endeavouring to devise a method of liquidation under which due regard will be paid to the interests of which the League is in charge.

2. *Bulgaria*. — Since the issue of the loan, the reconstruction of Bulgaria had also continued in satisfactory conditions. Several reforms have been made in the administration of public finance and railways.

As regards the refugee settlement, progress was made in the distribution of land and in the building of houses. Allotments have been granted to more than 80 % of the refugees and the number of buildings terminated in 1928 was four or five times greater than in 1927. The work

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(1) See pages 26 and 94.

of ploughing and clearing, drainage of marshes and railway construction is being actively pursued.

3. *The Purchasing Power of Gold.* — A study of the fluctuations of the purchasing power of gold was begun during the year.

In agreement with the Council, the Financial Committee appointed a delegation of its members to which were added certain internationally recognised experts. The delegation is composed partly of persons who are, or have been, at the head of central banks, partly of persons dealing with other branches of finance, and partly of well-known economists. Its terms of reference are to study the causes of the fluctuations of the purchasing power of gold and their effect on the economic life of nations and to submit a report on the subject. The first preliminary meeting took place at Geneva in August 1929, when the delegation drew up its programme.

#### IV. — ECONOMIC CONDITIONS IN 1928 AND THE APPLICATION OF THE RECOMMENDATIONS OF THE ECONOMIC CONFERENCE.

1. *Economic Conditions in 1928.* — From the information and statistics placed at the disposal of the Economic Organisation, it is clear that the world economic position, which had greatly improved in 1927, entered in 1928 upon a period of consolidation.

But the progress of consolidation was neither uniform nor easy. In many directions there was no advance and even retrogression during the year. That the re-adaptation of production to demand in a number of industries is still far from having been completed, is proved above all by the year's record of unemployment. There was over-production in several industries, others suffered from a falling off in demand, while in others again the process of rationalisation reduced the labour strength required. The depression in the sugar industry continued. The fight for coal markets became more intense and the situation of the timber trade, and in many countries the textile industry, remained unsatisfactory. Towards the close of

the year, there was a distinct falling off in certain countries, partly on account of industrial disputes, and partly on account of credit conditions.

The aggregate value of international trade continued to increase in 1928, but the rate of advance was slower than in 1927.

The rate of growth in Europe appears to have lagged somewhat behind that achieved in North America and in the world as a whole. The tendency which manifested itself in 1927 when European trade developed by not less than 13 % seems to have been reversed. In Europe, the headway made was almost entirely due to the Central European countries and to a less extent to the larger imports of Scandinavian countries. In Western and Southern Europe (about 60 % of the trade of the Continent) no marked change in the value of the trade was registered.

The continent in which trade developed most rapidly during the past twelve months was North America. Canada enjoyed a year of unprecedented economic prosperity and her total trade rose by 11 %. The United States not only maintained their position as the world's leading commercial country, but increased the excess of exports over imports by some 372 million dollars. The gross exports of capital from the United States of America, including all forms of investment abroad, are reported to have risen in 1928 by some 102 million dollars as compared with 1927.

From the information available, it would appear that trade continues to develop in all the leading countries of South America. Particularly striking was the very substantial increase in Chilean exports and Argentine prosperity. The trade of the latter country advanced even beyond the exceptional levels reached in 1927.

Indian exports, which have decreased in recent years, showed a slight recovery, while in New Zealand record figures were reached. On the other hand, Australian exports were slightly lower and Australian imports very substantially lower than in 1927.

*2. Application of the Recommendations of the Economic Conference.* — The Consultative Committee noted that



the policy of the Economic Conference, which in 1927 had been approved by numerous nations in statements in their respective Parliaments and the Assembly, and had been strongly supported by numerous international organisations, had continued in 1928 to receive support from various international bodies which had passed resolutions to this effect. It was, nevertheless, inevitable that the effective application of this policy should take considerable time. Generally speaking, the tariff position remained the same as the year before and there are signs in certain countries of a tendency, not to reduce, but to increase protection. The Chairman of the Consultative Committee, M. Theunis, expressed the opinion that the Committee must obtain much more definite and effective support from the Governments for the policy whose success it was endeavouring to ensure. He continued : " Casting a glance back over the road we have travelled, I cannot help thinking that Governments should often have a better understanding of their responsibilities as regards the practical application of the authoritative opinions of the persons appointed by them ".

The Consultative Committee expressed the conviction that in many countries there were trade barriers, which, on examination, would prove such heavy and permanent burdens upon their general industrial and commercial productivity as to call for immediate revision. It noted that certain countries had abolished duties which had ceased to serve any protective or fiscal purpose and suggested that other countries should consider the desirability of organising similar enquiries with a view to autonomous action for a general tariff reduction on industrial and agricultural products.

The attention of the Committee was also drawn to the necessity for each country of examining questions of production in combination with questions of commercial policy. It considered that each Government, when asked to protect any given product, must consider its normal possibilities of existence and development, not excluding the demands of social structure, the increase of employment and other elements of sound economic policy. The Committee expressed its view that it was dangerous to establish production where the necessary conditions for

its success were lacking; excessive protection might also run counter to the interests of the industry it seemed to promote, since it might lead foreign producers to settle in the country, thus transporting within the country competition previously conducted from abroad.

## V. — THE ASSEMBLY AND THE CUSTOMS TRUCE

An examination of the progress and relative importance of the results of the work done during the year, led the Assembly to place certain facts on record. Like the Consultative Committee, it came to the conclusion that negotiations for an economic rapprochement must not be left entirely to experts and that it was essential for Governments to participate more directly than hitherto.

The Economic Conference had desired to lead the various nations towards a closer co-operation than that which existed before the war, and had indicated, as one of the means for attaining that end, a gradual reduction of barriers of every kind and, in the first place, of excessive Customs barriers. Notwithstanding a few sporadic efforts, no decisive advance had been made towards the regime recommended. This was the second conclusion reached in this connection by the Assembly.

The Assembly finally decided to make one more attempt to apply the policy recommended by the Economic Conference. The programme it drew up for this purpose is based on proposals from the Belgian, French and British delegates and may be summarised as follows :

(a) Invitation to all States to intimate, before December 31st, 1929, whether they desire or not to take part in a Diplomatic Conference with a view to the conclusion of a tariff truce and, if necessary, to the establishment of a programme of subsequent negotiations, with a view to the conclusion of collective agreements for facilitating economic relations by all practicable means, and especially by reducing hindrances to trade.

(b) On the basis of replies received to the above invitation, the Council shall decide, taking into account the number and character of the States having replied in the affirmative, whether the Diplomatic Conference referred to in paragraph (a) should be held.

This Conference should then be held at a date as near as possible to the end of January 1930.

(c) Diplomatic Conference of representatives of States which have replied in the affirmative to the invitation referred to in paragraph (a).

(d) Negotiations referred to in paragraph (a) extending over a fairly long period between the States which have concluded a tariff truce. The latter may by common agreement invite any other State wishing to do so take to part in these negotiations.

(e) Final Diplomatic Conference to take note of the results of the negotiations referred to above, to examine them and, if necessary, to supplement them. To this Conference all States without distinction will be invited.

The delegations of certain overseas and European countries, in whose economic structure agriculture played the principal rôle and whose industries were not sufficiently developed, emphasised that in any attempt to study Customs tariffs it was necessary to keep in close touch with realities and to bear in mind the differences in the economic development of the various countries,

Other States made it clear that they could not take part in negotiations for a tariff truce. The reasons which dictated this attitude were, in some cases, special economic circumstances attendant upon the geographical position, and, in other cases, the fact that industrial development had not yet reached an advanced stage.

## VI. — RELATIONS BETWEEN THE BANK OF INTERNATIONAL PAYMENTS AND THE LEAGUE OF NATIONS

One of the most important decisions of the Hague Conference, namely the creation of a Bank of International Payments, led the Danish, Norwegian and Polish delegations to submit to the Assembly the following draft resolution :

Considering—

That the proposals with regard to a reparation settlement which are under consideration by a Government Conference, composed of some but not all the Member States, which has commenced but not concluded its work, include a scheme for the creation of a Bank for International Settlement;

That the scheme, as described by the experts, contemplates that the Bank will exercise functions which concern not only reparations payments but the general credit structure of the world, and therefore the economic life of all countries, as much those which are not concerned with the payment and receipt of reparations as those which are;

That, under Article 24 of the Covenant of the League, Members of the League have accepted the principle that international bureaux and commissions affecting the regulation of matters of international interest should be placed in relationship with the League;

That the proposed Bank would appear to be an institution established by general treaty for the regulation of matters of international interest :

The Assembly :

While recognising the importance of the proposed Bank being assured of due independence in the conduct of its financial business;

Expresses the hope that the provisions setting up the Bank will be framed with due regard to the general principle laid down and enjoined upon League Members in the Covenant, and that arrangements will be made to establish an appropriate relationship, with such consultations as may be desirable for the purpose, which will take due account of the general public and world interests which are involved :

Invites the Council to take the necessary measures to secure that effect is given to this resolution.

This draft resolution was discussed at length in the Second Assembly Committee. Certain delegates, including those of Germany, the British Empire, Belgium, France and Japan, stated that they could not agree to this proposal. The French delegate undertook, however, to request the Governments concerned in the foundation of the Bank to transmit the Second Committee's Minutes to the experts entrusted with the organisation of the Bank and the framing of its Statutes, so that they might take account, as far as possible of the various considerations put forward.

As a result of the discussion the Danish, Norwegian, and Polish delegates withdrew their resolution.

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## CHAPTER V

# COMMUNICATIONS AND TRANSIT

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- I. Conclusion of an International Agreement on Transit Cards for Emigrants. —
- II. Inland Navigation. — III. Maritime Navigation : (1) Buoyage and Lighting of Coasts; (2) Penal consequences of Collisions at Sea. — IV. Road Traffic : (1) Commercial Motor Traffic; (2) Taxation of Foreign Cars. — V. Action on the Resolutions of the Press Experts' Conference : (1) Telegraphic, Wireless and Telephone Questions; (2) Transport of Newspapers; (3) Professional Facilities for Journalists. — VI. Reform of the Calendar.

The principal features of the work of the Transit Organisation during the past year (1) were the conclusion of an International Agreement on Transit Cards for Emigrants; the preparation of conferences on certain questions of river law in Europe, buoyage and lighting of coasts, the transport of newspapers and periodicals in Europe; and the study of the international regulation of commercial motor traffic and of the taxation of foreign cars.

Enquiries concerning the reform of the calendar were actively pursued.

### I. — TRANSIT CARDS FOR EMIGRANTS.

An agreement on transit cards for emigrants was concluded by a Conference which met at Geneva in June, 1929, and was attended by seventeen States.

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(1) See Chapter I " Arbitration, Security and Reduction of Armaments " for the work of the Transit Organisation on the League wireless communications. See Chapter VIII " Political Questions " for the work of the Transit Organisation in connection with the Council resolution on Polish-Lithuanian relations.

The preamble to the agreement describes the humanitarian object of the contracting parties, namely, the simplification of transit formalities for emigrants crossing their territories, as recommended by the Passport Conference of 1926. To this end, the parties have decided to institute a transit card for emigrants proceeding from Europe to overseas countries, which will be established by each of the contracting Governments for emigrants coming to embark in one of their ports and will conform, in respect of size, paper and printing, to a model adopted by the Conference. Cards will be printed in the language of the country of embarkation and must reproduce the notes printed on the back of the model annexed to the agreement in at least seven other languages, chosen by the countries of embarkation. They will also indicate the shipping company by which they are used.

The cards will be supplied to the shipping companies and will be issued free of charge to emigrants with tickets for the whole journey, who fulfil the conditions of admission laid down by the country of immigration, and who have means to provide for their subsistence during transit. The cards may also be issued to emigrants to facilitate their return to their country or place of departure.

The contracting parties undertake to allow any emigrant holding a passport and a transit card issued by the contracting Government of the country of embarkation to pass in transit through their territories without requiring either this card or the passport to bear their consular visa and without levying special control or transit charges. The agreement further provides, on the basis of the transit card, for certain facilities to be offered to emigrants in transit countries and contains stipulations concerning the obligations of the shipping companies. It provides for the arbitration of any dispute concerning interpretation or application.

This agreement was immediately signed by the Belgian, British, French, Italian and Saar representatives. The Finnish, Greek, Hungarian, Netherlands, Polish, Swiss and Danzig representatives signed *ad referendum*. The Finnish Government has since intimated that its signature is valid as from October 9th, 1929.

## II. — INLAND NAVIGATION.

A draft convention for the unification of the river law applicable to navigation on the great waterway systems of continental Europe, was prepared during the past year by experts of the Transit Organisation. This draft deals with the registration of vessels employed in inland navigation, privileges and mortgages, the consequences of collisions and the nationality of vessels. Its object is to facilitate international inland navigation and to place credits for shipping enterprises on a firmer basis by means of a unified system of river mortgages.

It will be submitted to a conference of the States concerned in 1930.

## III. — MARITIME NAVIGATION.

1. The preparatory work for the unification of *buoyage and lighting of coasts* is now terminated. For the original draft (1), which only provided for progress in continental Europe, a draft has been substituted which can be universally applied. This draft will be submitted to a conference which will not meet before the second half of 1930, so as to enable all Governments to study the question.

2. The International Association of Merchant Marine Officers had asked the Transit Committee to study the question of the *penal consequences of collisions at sea* with a view to the preparation of an international agreement. The Committee did not feel able to take the responsibility of recommending a study of this question, which it considered was a problem of international criminal law, and on which, moreover, in the present state of law, there seemed to be widely differing opinions. Nevertheless, desiring to defend the interests of the free exercise of navigation, the Committee drew the attention of Governments to the following points :

(a) Strict observance of the international regulations

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(1) See *The League of Nations from Year to Year, 1927-1928*.

for the prevention of collisions is of the utmost importance to the safety of life and property at sea.

(b) Such observance can be best attained without recourse to criminal law by :

(i) Establishing and maintaining a high standard of professional skill and conduct among those entrusted with the duties of navigation;

(ii) Within the limits recognised by international maritime law holding the owners of a vessel responsible to other vessels met with in the course of the voyage for loss resulting from the breach of such regulations by those in their employment.

(c) It is the duty of each nation to establish and maintain such standards of professional skill and conduct among those it entrusts with the navigation of vessels under its flag. Apart from the question what, if any, may be the conditions under which the criminal jurisdiction of a country may be exercised over the crew of a vessel under another flag, it is desirable that, under the comity of nations and in accordance with rules of international courtesy, there should be left exclusively in the hands of the nation whose flag the vessel flies the enforcement of disciplinary measures for the purpose of establishing and maintaining such standards of professional skill and conduct, such as suspension of the national certificate of competency given to an officer, or other disciplinary action.

(d) International maritime law already provides means by which owners of vessels may be made responsible to other vessels met with in the course of the voyage for loss resulting from a breach of the collision regulations by those in their employ.

#### IV. — ROAD TRAFFIC.

The Road Traffic Committee began its examination of two new questions, namely :

1. The international regulation of commercial motor transport;

2. The taxation of foreign touring cars, in so far as it affects international travelling.



Whereas questions affecting motor travelling have for some time been subject to international regulation, no measure of this kind has so far been taken as regards commercial motor traffic. The principle of freedom of communications and transit laid down in Article 23 of the Covenant does not yet appear to have been given sanction in this connection.

The Road Traffic Committee accordingly proposed to study a preliminary draft convention based on the following points :

(a) Freedom of circulation for commercial motor vehicles and of the carriage of passengers or goods in such vehicles in international traffic, when entering, leaving or passing through a country in transit, without prejudice to questions of public transportation services, such questions being excluded from the general agreement, and being left for settlement by special arrangement between countries;

(b) The right of countries to reserve inland transportation for motor vehicles registered in their own territories;

(c) The right of countries to impose a tax, if they think fit, on foreign commercial motor vehicles engaged in transportation in their respective territories, in order that such vehicles may contribute a fair share of the cost of road making and repair.

With a view to establishing a system which would place the fewest possible restrictions on motor traffic, the Committee made the following recommendations :

(a) No taxes should be paid by foreign cars during at least the first two months of their stay in a country;

(b) The system for the collection of taxes should be simplified to the greatest possible extent, daily taxes being collected on departure;

(c) No traffic tax should be required from a motorist requesting the Customs house of a country to examine his triptych without venturing further into the country in question.

## V. — ACTION OF THE RESOLUTIONS OF THE PRESS EXPERTS' CONFERENCE.

The examination of certain resolutions of the Press Experts' Conference led Transit Organisation to take the following decisions :

1. *Telegraph, Telephone and Wireless Questions.* — The Transit Committee decided to submit to the Telegraphic Conference of 1930 recommendations concerning the introduction of urgent press telegraphs and wireless telegraphs and a reduction in the rates for long distance press telegraphs. It recommended that the rates for long distance wireless press telegraphs should be reduced as far as possible, the reduction to be as great as the cost of transmission would allow. The Committee endorsed the recommendation of the Press Experts Conference regarding greater facilities for wire and wireless communications between Eastern countries and Europe and North and South America.

2. *Newspaper Transport.* — In this connection the questions raised by the Press Experts' Conference concerned transport by rail and by air and Customs formalities.

As regards air transport, the Transit Committee noted the proposals from the International Air Traffic Association and the results of experiments made by forwarding agencies. It was of opinion that, as regards rates, the proposals made by air transport companies through the International Association did not admit of reductions equivalent to those already obtained by means of special agreements. It, nevertheless, considered it advisable to keep in touch with any progress made in this respect and to draw the attention of Governments to the interest of the public in the development of the international transport of newspapers by air.

As regards rail transport and Customs formalities, the Committee decided to suggest that a conference of Governments and competent administrations should be summoned, and that it should be attended in an advisory capacity by representatives of publishing firms and of

forwarding and distributing agencies dealing with the transport of newspapers and periodicals.

3. *Professional Facilities for Journalists.* — As regards the resolution of the Press Experts' Conference concerning the reduction of railways fares for foreign journalists, the Committee considered that it was not called upon to give an opinion with regard to the practical aspects or the principle of equality of treatment between foreign and national journalists. It also examined the question of identity cards for journalists in the light of proposals submitted by the International Federation of Journalists. Without endorsing entirely these proposals, it drew up a model card which, issued by an international or qualified national organisation, would, in its opinion, constitute a satisfactory method for the professional identification of journalists travelling in various countries, it being understood that such a card could not replace a passport, when the latter document was required.

## VI. — REFORM OF THE CALENDAR.

Enquiries regarding the reform of the calendar were actively pursued. In accordance with the suggestion of the Transit Committee, National Committees of Enquiry were formed in numerous countries, including American States. Committees will shortly be formed in Germany and in the Netherlands. The French Government has submitted the question to its National Economic Council, and, quite recently, the Congress of the International Chamber of Commerce in Amsterdam asked the League to summon a conference to submit recommendations regarding the simplification of the calendar and the stabilisation of Easter. However, as a General Transit Conference will be held in 1931, the Assembly preferred to leave it to that body to examine the work done up to that time. The Conference will consider reports from Governments and from the circles concerned and will thus be in a position to give a preliminary opinion on the desirability of simplifying the calendar and on the methods to be adopted.

The Transit Organisations acted, on several occasions, as an organ of conciliation in disputes concerning central European railways which had been submitted to the Council with a view to the appointment of arbitrators. In two cases it succeeded in bringing about friendly agreements between the parties.

It also contributed to the settlement of a dispute which had arisen some years ago between France, Great Britain and Italy on the one hand and Roumania on the other with regard to the jurisdiction of the European Commission of the Danube. The agreement reached was embodied in a draft convention which it is hoped may soon be applied (1).

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(1) See *The League of Nations from Year to Year, 1926-1927*, p. 49 et seq., 1927-1928, p. 79 und 80.

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## CHAPTER VI

### THE HEALTH ORGANISATION

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- I. Co-operation in the Reorganisation of the Greek, Bolivian and Chinese Health Services. — II. International Conferences: (1) Technical Conferences on Anti-Tuberculosis Vaccination; (2) Second Sleeping-Sickness Conference. — III. Enquiries concerning Syphilis; Infantile Mortality, Cancer, and Immunisation against Scarlet-Fever and Measles and Standardisation of Vitamines. — IV. Epidemiological Intelligence. — V. Exchanges of Medical Officers.

One of the most important developments in the work of the Health Organisation during the past year was the establishment of co-operation with certain Governments in the reorganisation of their health services.

Two international conferences—on anti-tuberculosis vaccination and sleeping-sickness—were organised under its direction.

The enquiries undertaken or completed included those on syphilis, infantile mortality, cancer and immunisation against scarlet-fever and measles. The epidemiological intelligence service and the interchanges of medical officers were extended and developed.

#### I. — CO-OPERATION WITH THE GREEK, BOLIVIAN AND CHINESE GOVERNMENTS IN THE REORGANISATION OF THEIR HEALTH SERVICES.

Three States—Greece, Bolivia and China—asked the Health Organisation to co-operate in the reorganisation of the whole or part of their health services.

1. *Greece.* — At the request of the Greek Government, the Health Organisation was asked by the Council to place its technical services at the disposal of that Government

and to co-operate in the preparation and subsequent development of a scheme for the reorganisation of the Greek health services. Experts were immediately sent to the spot to collect information and make the necessary enquiries; while a delegation of the Health Committee prepared a plan of reorganisation in agreement with the Greek authorities. This plan provides for the foundation of a training centre, of new technical services and of a permanent health service which will be a purely technical service fully protected from political influences and forming an advisory and executive organ of the Government on health questions. The services will be built up with the help of the training centre and will in the beginning administer certain selected areas. Gradually, the application of modern public health methods will be extended to the rest of the country *pari passu* with the building up of the centre and local organisations. All this work will be carried on in close and continuous touch with the League Health Organisation and it is hoped that in five or six years Greece will have a thoroughly efficient health service fulfilling modern requirements.

2. *Bolivia.* — In August, 1929, the President of the Bolivian Republic requested the League's assistance in the reorganisation of the Bolivian health services. It was decided that the Health Committee should send an expert to Bolivia to co-operate with the Bolivian authorities in the reorganisation of these services. The plans will be submitted to the Health Committee.

3. *China.* — In January 1929, the Chinese Government invited the Medical Director to sit on a Council of Three to advise the Chinese Health Minister, as occasion demanded.

The acceptance of this appointment paved the way for official co-operation between the Chinese Health Ministry and the League Health Organisation, and the Chinese Foreign Minister wired to the Secretary-General on September 14th that his Government would be glad to welcome a delegation of Experts from the Health Organisation in China as soon as possible to make a survey of port health and maritime quarantine.

Arrangements were made for the Medical Director to reach Nanking early in November with one or two Secretariat experts for the purpose of studying, with the competent authorities, schemes for co-operation between the Chinese Government and the League of Nations, and of examining in the first place the Chinese Government's proposal regarding port health and maritime quarantine.

Other examples of the extension of the work of the Health Organisation to non-European countries are the enquiries in Latin-American countries into infantile mortality and leprosy, the extension of the malaria enquiry to India and the enquiry undertaken at the request of the International Pacific Health Conference of 1926 into health conditions in New Guinea, the New Hebrides, New Caledonia, the Solomon Islands and Fiji. The Advisory Council of the Singapore Bureau will hold its next session (in February 1930) at Batavia; some months later the Leprosy Commission will meet at Tokio at the invitation of the Japanese Government. The Government delegate to the Tenth Assembly proposed that next year's programme should include an interchange of port health officers in the Far East and the Indian delegate emphasised the interest which his country felt in the Health Committee's study of rural hygiene and the value that would attach to a study, by health experts of Far Eastern, Near Eastern and European countries, of the practical application of modern health policy.

## II. — INTERNATIONAL CONFERENCES

*Technical Conference for the Study of Vaccination against Tuberculosis by means of the Calmette-Guérin Bacillus.* — A Conference of bacteriological, clinical and veterinary experts was convened by the Health Committee to meet in Paris in October, 1928, to prepare an international enquiry into the value of anti-tuberculosis vaccination by means of the Calmette-Guérin bacillus.

For over twenty years, Dr. Guérin and Dr. Calmette, of the Pasteur Institute, have been endeavouring to cultivate a variety of tuberculosis bacilli which can be used as a vaccine, as Pasteur has done for the anthrax germ.

The object was to find a bacillus that was incapable of producing tuberculosis and, while not presenting the slightest danger, would be effective in inducing immunity.

Finally, a bacillus was produced which appeared to satisfy the requirements. Numerous experiments, first on laboratory animals, then on monkeys and finally on apes, convinced the two scientists that their bacillus was perfectly harmless, while their experiments with cattle proved them to be effective in producing immunity.

During the last few years, tens of thousands of children, born of tubercular mothers, or living in conditions where they incurred danger of becoming tubercular, have been vaccinated with the Calmette-Guérin bacillus, not only in France, but in many countries. As there is still some difference of opinion as to the immediate and remote effects of the vaccine, the experts made arrangements for studies in several countries with a view to reaching a conclusion as to the real value of this treatment.

*2. Second Sleeping-Sickness Conference.* — This Conference met in Paris in 1928 to consider what practical conclusions might be drawn from the final report of the International Sleeping-Sickness Commission. It was attended by representatives from Belgium, France, Great Britain, Italy, Portugal and Spain.

The Conference drew up a programme of further research, including a study of the various problems involved by national laboratories in countries infested by the tsetse fly. In view of the economic and public health importance of animal trypanosomiasis in Africa, it recommended that a close and continued contact should be established between medical and veterinary research and that human and animal trypanosomiasis should be considered as a whole.

To control the movements of natives, the Conference proposed measures based on close co-operation between medical and administrative authorities. To render control and treatment of natives as complete as possible, it considered that administrations should dispose of adequate medical personnel and have power to enforce medical examination and treatment and, if necessary, to withdraw medical authorisation to travel.



It suggested various measures of a permanent character, such as clearings at watering places, around villages and fords, the evacuation of seriously infected zones in cases of emergency and the establishment of the population in more favourable situations in the vicinity.

The Conference recorded its preference for the conclusion of bilateral agreements with a view to the application of its programmes of prevention, control and medical treatment.

It emphasised the importance of the work of the health organisation in the fight against sleeping-sickness and invited the latter to co-ordinate the investigations of national laboratories and to collect and analyse the facts obtainable on the incidence of human trypanosomiasis, its importance in relation to other causes of disease and the results of medical and administrative measures taken to combat the disease in Africa.

In December, 1928, the Council decided to draw the attention of Governments to the recommendation of the Conference concerning bilateral agreements. It invited the Health Committee to study the programme of future work prepared by the Conference.

### III. — ENQUIRIES REGARDING SYPHILIS, CANCER, INFANTILE MORTALITY AND IMMUNISATION AGAINST SCARLET FEVER AND MEASLES.

As in previous enquiries of the Health Organisation, including those on malaria and tuberculosis, the object of these researches is to supply health services with internationally controlled, accurate information or with practical conclusions as to the value of certain methods.

1. *Syphilis*. — As the results obtained in the fight against syphilis did not seem to be such as the progress in treatment would seem to warrant, the Health Committee convened German, French, American, Danish and British experts to consider the reasons for this. The explanation which suggested itself was that the new discoveries in syphilis diagnosis and therapy had not been exploited everywhere in the right way and with such promptness as would be desirable, and that generally recognised

uniform methods of treatment did not yet exist. The experts accordingly recommended a retrospective enquiry into the results obtained in a considerable number of cases treated in various American, British, Danish, French and German clinics. In each country ten thousand cases would be examined according to a method laid down by the experts.

2. *Cancer*. — A meeting of experts drew up a series of recommendations on the principles and practice of ray treatment of uterine cancer. Owing to the favourable results obtained in treating cancer by radium, there are at present a considerable number of requests for information concerning this method; but few clinics have experience that is wide enough to justify publication. After a joint study of the question, directors of three of the most important institutes in Paris, Munich and Stockholm reached agreement as to the recommendations which should be made to clinics applying radiological treatment to cancer of the uterus.

3. *Infantile Mortality*. — The enquiry into infantile mortality was conducted in twenty-nine urban and rural districts in seven European countries and is now terminated. The enquiry lasted twelve months and included the examination of the causes of the deaths of some eight thousand children. From the results, the experts have drawn general conclusions which may serve as a basis for the adoption of suitable preventive measures.

These measures include the medical supervision of pregnant women, social and legislative provisions to make rest possible during the latter months of pregnancy and research concerning deaths within the first days of life. The experts also recommended preventive measures against respiratory affections and contagious diseases and the adoption of special measures against affections of the digestive apparatus. They laid special emphasis on the necessity of public health instruction, on special training for midwives and physicians and on the supervision of infants by public health nurses. The experts' report was transmitted to the health services of the various countries which were invited to undertake similar studies

to serve as a basis for the establishment and application of preventive measures.

4. *Immunisation against Scarlet Fever and Measles.* — To demonstrate the value of immunisation against scarlet fever and diphtheria which are important factors in the infant death rate, the Health Committee has instituted an enquiry which will be conducted on parallel lines in ten European countries.

5. *Standardisation of Vitamins.* — In view of the need for a control of the numerous preparations alleged to contain vitamins which are placed on sale, the Health Committee requested the Commission appointed to standardise sera, serological reactions and biological products, to consider standardised methods for the examination of such preparations. The Medical Director was asked to obtain information regarding the methods used by public health administrations to supervise the abuses to which the sale of such products might give rise.

#### IV. — EPIDEMIOLOGICAL INTELLIGENCE.

The development of the Epidemiological Intelligence Service has continued both as regards rapidity in the transmission of information and the area covered. It is becoming more and more usual for health services to wire or cable their reports.

The "Weekly Record" published by the Epidemiological Intelligence Service at Geneva now reproduces the official communiqué of the *Office international d'Hygiène publique* in Paris; the weekly bulletin cabled by the Singapore Bureau which is the regional centre for the Far East; a weekly report cabled by the Alexandria Office of the Egyptian Sanitary Council which is the centre for the Near East, and weekly information from the Pan-American Bureau in Washington.

The Australian Epidemiological Service, which has its seat in Melbourne, is the regional centre for the reception and distribution of information concerning the Southern Pacific. This information is despatched to it by the Singapore Bureau.

In 1928, three new ports were added to the list of those sending weekly telegrams to the Singapore Bureau which is now in regular communication with 143 important Eastern ports (not including the Chinese ports). Three Chinese ports, Amoy, Swatow and Tientsin, have begun to send information.

The number of wireless stations broadcasting the weekly bulletin remained unchanged in 1928, but the number of health services picking up the message rose from 25 in 1927 to 29 in 1928.

At present four wireless stations broadcast in clear, for the benefit of shipping, a summary of the weekly message (the message itself is given in special code) and two stations, which formerly broadcasted the message in code have agreed, at the request of the shipping companies, to broadcast it in clear.

During 1928, the Eastern Bureau received and transmitted information concerning 160 vessels having on board patients suffering from contagious diseases. All information concerning the movements of pilgrims, epidemic diseases among them and preventive measures taken before their departure are exchanged between the Alexandrian regional centre and the Singapore Bureau. The latter station is accordingly in a position to give prompt notice to the health services concerned.

#### V. — INTERCHANGES OF MEDICAL OFFICERS.

Three important interchanges of medical officers took place during the year. The first, which was attended by 21 doctors from 16 countries, was held in Italy. The participants studied health problems and the methods adopted for their solution in Italy, Sicily and Sardinia. The second interchange dealt with industrial and medical inspection and was held in important industrial centres in Northern Italy, Bavaria and Switzerland. It was attended by ten hygienists from ten countries. The third interchange concerned industrial hygiene and was

attended by thirteen participants from eleven countries. It took place in Denmark and the Netherlands.

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The Epidemiological Intelligence and the Interchange Service have, since 1922, been receiving grants from the Rockefeller Foundation. These grants amount to 723,975 dollars for the period 1930-1934.

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## CHAPTER VII

### INTELLECTUAL CO-OPERATION

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I. [Revision of the Work and of the Organisation on Intellectual Co-operation. — II. University Relations. — III. Intellectual Rights. — IV. Arts and Letters. — V. Science and Bibliography. — VI. Instruction of Young People. — VII. International Educational Cinematographic Institute.]

The most important feature of the work of intellectual co-operation during the past year was the decision of the Committee on Intellectual Co-operation to proceed to the systematic revision of its various activities, its aims and its organisation.

Thanks to the preparatory work undertaken by the Institute of Intellectual Co-operation, progress was made in the development of university and artistic relations. The principal results may be summarised as follows :

#### I. — REVISION OF THE WORK AND ORGANISATION ON INTELLECTUAL CO-OPERATION.

After seven years' of patient effort, the Committee decided to proceed to the revision of its activities, its methods and its organisation. The Assembly Rapporteur on intellectual co-operation, M. Valdes Mendeveille (Chile), made the following comments :

The Organisation for Intellectual Co-operation has arrived this year at a turning point in its brief history. Following the normal course of every enterprise, its first years were devoted, on the one hand, to exploring this vast field of co-operation in science, letters, art education and intellectual rights and, on the other, to endeavouring to obtain in these various directions certain partial results, some of which have been achieved, whilst others have met with obstacles. There

may be some reason to fear that, in the zeal aroused by the enormous interest of the subject, more work was undertaken than it was possible to carry through. A systematic revision of the work therefore seemed advisable.

In virtue of the resolution adopted by the Committee, its Chairman — in agreement with the Secretary-General of the League and the Chairman of the Governing Body of the Institute — will appoint a small committee of not more than five members of the International Committee to study the programme, work and organisation of that body and of the organisations under its authority, and to give opinions on the improvements which might be made, so as to increase the positive results of their work.

The idea of this revision originated in the International Committee itself, but was first discussed at a meeting of representatives of National Committees on Intellectual Co-operation, held at Geneva in July, 1929, when it was recommended that the work of intellectual co-operation should be simplified and that the tasks of the Committee and the Institute should be limited to a small number of practical problems of international importance, and should not in any way duplicate the work of existing scientific organisations

## II. — UNIVERSITY RELATIONS.

In this field the work of co-ordination developed under the auspices of the Committee of Directors of National University Offices and of the Committee of Representatives of international students' organisations.

The Committee of Directors considered the question of the excessive number of university students and of the ensuing crisis in the liberal professions; it also dealt with the conditions in which students can gain admittance to foreign universities and obtain recognition of diplomas obtained abroad, with legislation concerning foreign teachers, with the publication and exchange of lists of titles of theses submitted or in preparation, and with the teaching of modern languages.

The Hungarian Government having proposed to summon in Budapest a Congress on the teaching of modern

languages, the Committee of Directors proposed to lend it technical assistance and support.

The work of the Committee of Representatives of the international students' organisations proceeded at a somewhat slower pace owing to the fact that its programme has been almost entirely completed.

On the other hand, a new Committee, that of representatives of Institutes for the Scientific Study of International Relations, did valuable work. This body is endeavouring to promote co-operation and strengthen relations between universities, schools and institutes, and centres of teaching, research and discussion dealing with higher international studies.

With the aid of a grant from the American National Council of Education, the Institute published a revised and completed English edition of "University Exchanges in Europe". It also published a list of noteworthy books and a survey of holiday courses in Europe in 1929.

### III. — INTELLECTUAL RIGHTS.

The question of scientific property, although still very far from a solution, has nevertheless made some progress. It has been definitely recognised that the draft Convention of 1927, to be practicable, must contain an additional clause guaranteeing manufacturers by a system of insurance against the new burdens which would result from royalties paid to scientists and inventors. From enquiries made of insurance companies in France and Great Britain, it appears that the time has come to endeavour anew to define as accurately as possible the scope to be covered by insurance and to convene a meeting of experts on the subject.

With a view to the revision of the Berne Convention, the Institute continued its enquiries concerning copyright. It has just been asked to study, in co-operation with the Institute for the Unification of Private Law in Rome and the Berne International Bureau, the expediency of concluding a general agreement with a view to the unification of copyright regulations.



#### IV. — ARTS AND LETTERS.

The Institute continued its study of the question of translations. With the help of grants from the Argentine, Brazil and Chile, it is preparing a collection of Latin-American classics. It has also continued its efforts with a view to the resumption of the International Publishers' Congresses.

In the field of artistic relations more was achieved. The first International Congress of Popular Arts was held in October 1928, in Prague. This meeting was prepared by the Institute, subsidised by the Czechoslovak Government and attended by about three hundred participants from thirty-one countries.

The resolutions and recommendations adopted by the Congress had as their principal object the establishment of an International Popular Arts Committee, to keep in touch with the Committee on Intellectual Co-operation and the International Institute.

The Congress recommended that its proceedings should be published by a committee of experts and that a general list of museums of popular art should be drawn up; that international exhibitions of folk dances should be held; that folk dances and costumes should be recorded by the cinematograph; that an international wireless concert of folk songs should be organised; that the existing movements for the scientific study of folk songs should be co-ordinated; that open-air museums of popular art should be established; that popular art films should be exchanged; that an international popular art documentation centre should be organised in connection with the International Popular Arts Committee; that a study should be made of popular art in relation to workers' leisure; that national popular art societies should be formed in countries where they did not yet exist; that an exhibition of popular art should be held at Berne in 1934; that the societies for the protection of village arts should extend their activities and that folk songs should be recorded for the gramophone.

The work of the International Museums Office bore more especially on the unification of museum catalogues, the organisation of museums and collections of works of art in general, the drafting of an international agreement for the reproduction of photographs of works of art, labels and inscriptions, the best methods of museum propaganda and the establishment of an entrance card for curators, critics and students.

The Office organised a cast exhibition, which opened on August 2nd, 1929, at Cologne. The museums and official cast workshops of Athens, Brussels, Berlin, Florence, London and Paris are taking part in the exhibition, which contains four hundred casts of Egyptian, Assyrian, Greco-Roman, medieval, renaissance and modern works.

This exhibition is, to some extent, a museum of comparative sculpture where all aspects of the plastic arts are represented by examples selected by specialists from the countries concerned.

The International Museums Office publishes a review "Museum", at present perhaps the only periodical dealing exclusively with museum subjects.

## V .— SCIENCE AND BIBLIOGRAPHY.

The two principal features of this work were the co-ordination of libraries and of scientific bibliography.

The library experts studied the questions of the micro-photographic reproduction of documents, the international loan of letters and manuscripts, the co-operation of central libraries in the purchase of foreign works, the establishment of an international library co-ordination service attached to the Institute and the unification of systems for the abbreviation of titles of periodicals.

As regards the co-ordination of bibliography, no important advance was made during this year. The bibliography of biological science is already so far advanced as no longer to require the Committee's attention; for physical science, a conference of experts is contemplated; on economic science, no agreement has yet been reached, but as regards romance languages, a scheme of improved bibliographical methods is ready.

Mention must also be made of the enquiry undertaken by the Institute into the extent of the material resources at the disposal of scientific research. This enquiry, which takes the form of intellectual statistics on a large scale, is sufficiently advanced to make it possible shortly to publish the first tables.

## VI. — INSTRUCTION OF YOUNG PEOPLE.

The information received from Governments and private persons by the educational centres established at the League Secretariat and the Institute show the progress made in various countries in the development of teaching on the work and aims of the League.

The Secretariat has published a pamphlet entitled "The Aims and Organisation of the League of Nations" and is publishing an "Educational Survey" both of which are designed to supply the necessary material to Governments and organisations interested in these questions. The pamphlet published by the Secretariat merely aims at grouping a certain number of essential facts for the use of teachers; it does not include a historical survey of the work of the League. In this connection, it was recognised that it was impossible to prepare a single text for the use of all Members of the League and that it should be left to the teachers themselves in each country to study and give more detailed instruction on questions which are of special interest to their countrymen. On the other hand, it is possible, and one may say indispensable, that the fundamental notions of the organisation, working and aims of the League should be drawn from a single source and presented in all countries in the same way, and this was the guiding principle in the preparation of the pamphlet "The Aims and Organisation of the League of Nations."

The Secretary-General sent this pamphlet to the Governments of all States Members of the League, asking them to inform him what measures they contemplated with a view to introducing into schools either the original text or a translation.

The first number of the "Educational Survey" was published in 1929. This review contains documents and articles, the first being reports and statements from Governments and associations, the second contributed by well-known educationists.

In September 1929, the Assembly once more emphasised the importance which it attached to the instruction of young people and invited all Governments to support its efforts in this direction.

#### VII. — INTERNATIONAL EDUCATIONAL CINEMATOGRAPHIC INSTITUTE.

The International Educational Cinematographic Institute was opened on November 5th at the Villa Falconieri in Rome, in the presence of the King of Italy, M. Mussolini, the President of the Council and representatives of the Secretary-General of the League and numerous well-known members of political circles.

Immediately after the opening ceremony, the Governing Body of the Institute held, under the presidency of M. A. Rocco, a session at which it endeavoured to define the aims and methods of the new Institute.

In its report, the Governing Body described the object of the Institute as to encourage the production and promote the dissemination of educational films, without losing sight of its obligation to work in accordance with the spirit of the League and promote mutual international understanding. The methods employed would be those already tested by other League organisations, namely, the co-ordination of effort and national and international co-operation. It invited the Institute to establish relations with official and unofficial private organisations dealing with the educational cinematograph, and appointed as Director of the Institute M. Luciano de Fco, former director of the Union of the Educational Cinema. The Institute has already undertaken a study of the question of the relations between the educational cinematograph, television and broadcasting, and has begun publishing an international review of the educational cinematograph.

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## CHAPTER VIII

### POLITICAL QUESTIONS

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I. Dispute between Bolivia and Paraguay. — II. The Polish-Lithuanian Relations. — III. Applications from the Hungarian Government. — IV. Communications from the Straits Commission. — V. The Bahrein Islands (Communications from the Persian and British Governments).

For the first time in several years (1), the Council had to deal with a conflict between two Latin-American States Members—Bolivia and Paraguay— which broke out some days before its session of December 1928.

The Polish-Lithuanian relations and the case of the Hungarian Optants continued to figure on the agenda.

The Straits Commission sent the League its third annual report. The British and Persian Governments sent the Secretary-General further communications concerning the Bahrein Islands.

#### I. — DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

Newspaper despatches concerning a dispute between Bolivia and Paraguay having been submitted by the Secretary-General, the Council, on December 11th, sent both Governments a telegram expressing "its full conviction that the two States, which by signing the Covenant had solemnly pledged themselves to seek by pacific means the solution of disputes arising between them, would have recourse to such methods as would be in conformity with their international obligations and would

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(1) The first question of this kind was the dispute between Panama and Costa Rica, which came before the Council in March 1921.

appear in the present circumstances to be most likely to secure the maintenance of peace and the settlement of the dispute ”.

On December 12th, the Bolivian Foreign Minister intimated that he had submitted the Council's communication to the President of the Republic. The Paraguayan Foreign Minister sent a telegram concluding with the statement : “ Paraguay does not refuse any conciliation procedure for the settlement of her dispute, still less the procedure laid down in Conventions to which she has given her solemn acceptance ”.

On December 14th, the Council received a telegram from the President and Foreign Minister of Bolivia referring to its communication of December 11th and stating that the Council and its President “ might rest assured that the Bolivian Republic would not depart from the principles and obligations contained in the Covenant ”.

This telegram also stated that “ in contradiction with the stipulations of Articles 10 and 13 of the Covenant ” Paraguay “ had committed an aggression which the Bolivian Government solemnly denounced to the Council. While declaring that it was its duty to demand the satisfaction due in such cases and to take military measures of a defensive character to safeguard its security, the Bolivian Government requested that the Council would take note of the declaration of its intention to act on the Council's recommendations and to observe the stipulations of the Covenant ”.

On December 15th, at the close of its ordinary session at Lugano, the Council sent telegrams to both Governments expressing its satisfaction at having gathered from their communications the conviction of their attachment to the principles and obligations of the Covenant. It added that it hoped that the parties would carefully abstain from any act that might aggravate the situation and render a peaceful settlement more difficult. It expressed its firm conviction that the obligations of the Covenant would be respected and recalled that “ when a dispute likely to lead to a rupture arose between two States Members of the League of Nations, they could not, without failing in their obligations, and notably those contracted under Article 12, omit to resort, by some method or other,

to one of the procedures of peaceful settlement provided for in the Covenant". The Council also drew attention to the fact that the Covenant mentioned, among others, "disputes as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach". At the same time, it emphasised the fact that "in its experience it was most important to confine all military measures of a defensive character to those which could not be regarded as aggressive against the other country, and which could not involve the danger of the armed forces coming into contact, as this would lead to an aggravation of the situation, rendering more difficult the efforts at present being made for the maintenance of peace".

The parties were notified that the Council had charged its President to follow the events with a view to any action that might be necessary, consulting, if need be, his colleagues through the Secretary-General. This telegram was communicated to all States Members of the League.

On December 16th, the President of the Council received from the Bolivian Foreign Minister a telegram despatched on the 15th, informing him of fresh incidents between Bolivian and Paraguayan troops. "In conformity with its international obligations, the Bolivian Government hastened to inform the Council of this new development."

The President of the Council immediately communicated this telegram to the Paraguayan Government. By telegrams despatched simultaneously to both Governments, he reminded them that the facts reported showed still more clearly "the dangers to peace created by the contact between the military forces belonging to the two countries on the frontier" and the urgency to which the Council had drawn their attention "of taking measures to prevent further incidents capable of compromising the success of any peaceful procedure". He emphasised further the suggestion made by the Council on receipt of the solemn assurance given by both Governments that they would respect the obligations of the Covenant.

The President of the Council left Lugano on the morning of December 17th, arriving in the evening in Paris where he was joined next morning by the Secretary-General. The President was authorised by the Council to summon, if necessary, an extraordinary session.

Replying to the President of the Council, the Bolivian Foreign Minister wired on December 17th that orders had been given to the commanders of military posts to refrain from any advance and from any attack.

By a telegram sent on the same day, the Paraguayan Government protested against being accused of any aggression stating that "Paraguay, keeping strictly to her international obligations, asked from the outset that an investigation should be made into the facts and had accordingly accepted without objection all the suggestions and methods of pacific procedure put before her". It added that it had just accepted the good offices of the Pan-American Conference.

Meanwhile, the President consulted the Secretary-General, notified his colleagues that he might have to summon them for an extraordinary session at the end of the week, and took further steps with a view to settlement.

On December 18th, he conferred with the Bolivian and Paraguayan Ministers; with the Argentine Chargé d'Affaires, whose Government was unofficially reported to have taken steps to persuade the parties to accept mediation, and with the Chargé d'Affaires of the United States of America, a representative of that Government being the President of the Pan-American Arbitration Conference.

In his conversations with the Argentine and American Chargés d'Affaires, the President of the Council explained that, unless the Bolivian and Paraguayan Governments agreed during the next few days to accept some form of procedure enabling a pacific settlement to be contemplated, the Council would hardly be able to avoid holding an extraordinary session to examine what steps should be taken, as war would either have broken out or be on the point of breaking out between two Members of the League. He added that he would consider it essential that all



endeavours to secure a pacific settlement should be thoroughly co-ordinated.

On the 18th, the Bolivian Government stated that, as recommended by the Council, it would also accept the good offices of the Pan-American Conference,

In these circumstances, the President of the Council, reporting on his mission in the evening of the 19th, informed his colleagues that he would not be obliged to summon an extraordinary session. In his telegrams to Bolivia and Paraguay, he stated that the Council, all of whose efforts had been directed towards preventing any aggravation of the dispute and promoting a pacific settlement, by whatever method possible, could not but be gratified at the cessation of a conflict between two Members of the League and trust that the procedure to which they had agreed might lead to a prompt settlement of their dispute and to the restoration of good understanding and peaceful co-operation between them.

The Belgian, Chinese, Colombian, Netherlands, Persian, Salvador, Venezuelan and Uruguayan Governments acknowledged the receipt of M. Briand's telegram of December 15th, most of them expressing their satisfaction at the steps taken by the Council.

#### *The Bolivian-Paraguayan Dispute before the Assembly.*

The Council's action in this dispute did not pass unnoticed at the Tenth Assembly. During the general debate, the Bolivian representative, M. Costa du Rels, made the following comment :

Last December, when a serious frontier dispute darkened the horizon of South America, the League brought its beneficent influence to bear, and it is my privilege to acknowledge publicly from this platform Bolivia's gratitude for the feelings of relief and confidence to which the League's action gave rise throughout the land . . .

The representatives of other Latin-American States also emphasised the importance of this action for the development of co-operation between the League and Latin-American countries.

The Uruguayan representative, M. Antuna, dealt with the question at some length :

The Council's action, he said, deserves to be emphasised implying as it does a recognition of the fact that Latin America constitutes an integral part of the League. This serves to dissipate what was felt to be a very real anomaly, in that, despite the American countries' membership of the League, the latter appeared to take no action where problems affecting America were concerned. Latin America shared the costs and responsibilities devolving upon the League, but remained in practice outside its sphere of political action and could not be said to enjoy the benefits of membership.

The frank and timely intervention of the Council at its Lugano session established a precedent of the greatest significance both for Latin America and for the League. We, who were near the two parties of the dispute, could appreciate the moral value of the Council's action. Kindly suggestions, and offers of intervention poured in from every quarter of the globe and, quite apart from the actual solution whether through the agency of the Committee of Investigation at Washington or through that of the Court of Arbitration of The Hague, M. Briand's telegram, based on the provisions of the Covenant—by which both parties were legally bound—and inspired by the lofty and compelling sentiments of universal brotherhood, this telegram, I say, added to these countless representations, produced a profound impression on the American continent more particularly in the region where hostilities had broken out.

This action, I repeat, had the effect of binding Latin America more closely to the League, now that the League's apparent hesitation in regard to American problems—due perhaps to the over rigid interpretation of Article 21 of the Covenant—has been disproved.

The Bolivian Government having informed the Secretary-General that it had accepted the proposal of conciliation made by the Committee of Investigation appointed by the Pan-American Conference—as had also the Paraguayan Government—the representatives of both countries made statements on this subject from the Assembly platform.

M. Costa du Rels (Bolivia) said that his country was happy to bring to the League this further evidence of its fidelity to the great principles of justice of which the League was the vigilant protector. Bolivia hoped that the vital

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problems, of which she was earnestly seeking the solution, would sooner or later be settled in the same spirit.

The Paraguayan delegate, *M. Caballero*, said that the whole history of American public law had progressed towards the ideal of suppressing any possibility of resort to war. It might be said that in America the League of Nations had virtually existed even before it was created. Recent events showed that Bolivia and Paraguay would not at any rate incur the serious and criminal responsibility of breaking with this noble tradition.

## II. — POLISH-LITHUANIAN RELATIONS.

At its December session at Lugano, the Council noted that the direct negotiations it had recommended had furthered the conclusion of a provisional arrangement giving facilities to the population on either side of the Polish-Lithuanian administrative line, but had not produced all the results that might have been expected. On this occasion, statements were made by the Polish and Lithuanian representatives from which it appeared that, since the Council's intervention in 1927, a state of peace had existed between the two nations and the two Governments concurred as to the advisability of continuing direct negotiations for the conclusion of an agreement regulating trade between their territories. On the proposal of its Rapporteur, the Spanish representative, *M. Quiñones de León*, the Council adopted two resolutions, the first recalling the solemn declarations made in December, 1927, that Lithuania did not consider herself in a state of war with Poland, and the other stating that Poland recognised and accepted the political independence and the territorial integrity of Lithuania. The Council urged the parties to be guided in their negotiations by the letter and spirit of the resolution of December 10th, 1927, and by the report of *M. Beelaerts van Blokland*.

Further, noting that the documents submitted mentioned obstacles to free communications, the Council referred this question to the League Committee for Communications and Transit with a view to continuing the work of pacification and agreement begun in December 1927.

This resolution is based on Article 23 of the Covenant which stipulates that "subject to and in accordance with the provisions of international conventions existing or hereafter to be concluded, the Members of the League will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of Members of the League".

It is also based on a resolution passed by the Assembly on December 9th, 1920, by which the Transit Committee is instructed to consider and propose measures calculated to ensure freedom of communications and transit at all times.

The Lithuanian representative, M. Voldemaras, said that, as he was convinced that Lithuania had fulfilled all her international obligations, he did not see any objection to this resolution, but would on the contrary welcome its adoption. While noting that the League's action had not brought about a final solution of the Polish-Lithuanian relations, he assured the Council that its exhortation to continue negotiations in the spirit in which they had begun would be followed to the letter.

The Polish representative said that, in accordance with the letter and spirit of the 1927 resolution, the use of the term "Polish-Lithuanian administrative line" in the arrangement between Poland and Lithuania on local traffic could in no case be interpreted as implying the abandonment by Poland of her territorial rights.

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In March 1929, the Transit Committee referred the problem to a special Sub-Committee composed of the Chairman of the Transit Committee, the Chairmen of the Committees on Transport by Rail and Inland Navigation and the Vice-Chairmen of the Legal Committee. After a preliminary examination of the documents, this Sub-Committee decided to instruct certain members or experts (on railway, harbour and navigation questions) of the Transit Organisation to collect the facts which, if established, would make it possible to determine the nature of the obstacles to freedom of communication and transit referred to in the Council resolution, as well as to estimate

their economic consequences. Other members or experts (including jurists) of the Transit Organisation were asked to consider which international agreements were alluded to in the Council resolution and what their bearing might be as regards the question of the obstacles to freedom of communications and transit.

The first group of experts met in Berlin at the end of June and, on the invitation of the Latvian and Polish Governments, visited Riga, Libau, Vilna and Warsaw where they conferred with officials of the technical ministries and with representatives of business circles. Their report will be submitted to the Sub-Committee early in 1930.

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In July, 1929, M. Voldemaras addressed to the Secretary-General a letter concerning threats of frontier incidents between Poland and Lithuania. This letter was communicated with the observations of the Polish Government to the President of the Council and to M. Quiñones de León.

After examining these documents, the President and the Rapporteur expressed the opinion that there was every reason to hope that the parties would not depart from the formal engagements into which they had entered in December 1922, and instructed the Secretary-General to forward the relevant material to the Council and to the Lithuanian Government for their information.

### III. — APPLICATIONS FROM THE HUNGARIAN GOVERNMENT

During the past year, the Hungarian Government submitted to the Council two requests, one concerning the Hungarian Optants, the other a question which had arisen between the Hungarian and Yugoslav Governments.

1. *The Hungarian Optants.* — On three occasions, in December 1928, and in March and June 1929, the Council deferred its examination of this question in view of the direct negotiations pending between the Hungarian and

Roumanian Governments. Shortly before the September session, the Hungarian Government informed the Council that negotiations had been broken off, as it had proved impossible to reach agreement by this method, and forwarded a report from its plenipotentiary describing the situation and the principal points dealt with in the negotiations, together with the notes exchanged by the parties since the suspension of the negotiations.

The matter having been placed on the agenda, the British representative, Mr. Henderson, consented to act as Rapporteur, entered into relations with the Parties and proposed that they should renew under his guidance the negotiations which had all but been successful. He added that he would, if necessary, consult financial experts.

Both the Hungarian and Roumanian representatives agreed to this proposal. Count Apponyi emphasised that the legal point of view of each party would be maintained, adding that he preferred an agreement to a judicial solution and that the latter would only be sought if the first could be not obtained. He considered that the intervention of a third party with the authority of the British Foreign Secretary gave the Governments concerned a further chance of agreement.

M. Titulesco said that he would be prepared to make a fresh attempt to reach a friendly solution subject to all the statements previously made before the Council by the Roumanian representative, and without prejudice to any sort of general settlement that might be offered elsewhere. He expressed the hope that, with goodwill and a wider understanding of the general situation, the negotiations might be successful.

2. *The Hungarian-Yugoslav Question.* — In December 1928, the Hungarian Government submitted to the Council a request for the application of Article 209 of the Treaty of Trianon, concerning vacancies on mixed arbitral tribunals, the Yugoslav judge having notified the President of the Mixed Hungarian-Yugoslav Tribunal of his inability to take part in the proceedings of the case "Archduke Frederick of Habsburg-Lorraine *versus* the Yugoslav State".



This question was postponed in December 1928, at the request of the parties and later withdrawn from the agenda, the parties having reached agreement.

#### IV. — THE STRAITS COMMISSION.

The Straits Commission, which operates at Constantinople under the auspices of the League, sent the Secretary-General several communications of which the most important were the annual report of the Commission and a letter from the President concerning the interpretation of one of the clauses of the Straits Convention.

1. *Annual Report of the Commission.* — This report is in three parts; the first deals with the work of the Commission in 1928, the second with present conditions as regards the passage of vessels and aircraft through the Straits, and the third contains the annexes.

In the first part, the Commission describes, according to official information, the composition on January 1st, 1928, of the most powerful navy in the Black Sea, that of the Union of Soviet Socialist Republics.

The Commission examined the questions raised by the Turkish Government's refusal to allow foreign aeroplanes to fly over the Chatalja and Ismid zones, and to allow foreign war vessels to enter the latter zone. It again queried whether the existence of such zones was in conformity with the principle of free passage and navigation by sea and by air laid down in the Straits Convention. Although the Commission was divided in its opinion regarding the interpretation of the principle of free passage, it nevertheless unanimously considered that any measure of a nature to modify conditions of passage by sea or by air should be most carefully examined and that it was its duty to procure information in regard to such measures and to forward it to the League in annual or special reports.

The Commission again drew the League's attention to the sanitary inspections and taxes imposed by the Turkish Government.

It recommended that the provisions of the Straits Convention, as confirmed by the International Health Conference, should be put into force as soon as possible, and expressed the opinion that, since the coming into force of the Convention and, in any case, since May 31st, 1928, no sanitary inspection of merchant ships passing through the Straits without calling at a port should have taken place either in the Dardanelles or in the Bosphorus, except in the case of ships without a doctor on board and coming from an infected port.

The Commission mentioned various improvements in the Turkish services, the general working of which, it considered, showed marked progress.

In accordance with the Council's resolution of June 5th, 1928, the report was forwarded to the signatories of the Convention, to the States Members of the League and to various technical organisations.

2. *Letter from the President of the Straits Commission.* — By a letter to the Secretary-General dated June 20th, the President of the Straits Commission, Admiral Vassif, drew the League's attention to the following incident :

On June 6th, an Italian squadron of thirty-five hydroplanes arrived at Constantinople *via* the Straits, with the consent of the Turkish Government. After a stay of about twenty-four hours, twenty-one hydroplanes, escorted by three destroyers, followed the Bosphorus as far as the Black Sea where they were joined by the remaining fourteen hydroplanes which, in accordance with orders, had travelled *via* the Sea of Marmora and the Ismid Peninsula.

The Commission considered that this procedure was not in conformity with the Straits Convention and drew attention to the text of paragraph 2 of the annex to Article 2, which reads :

The maximum force which any one Power may send into the Black Sea through the Straits may not be greater than that of the most powerful fleet of the littoral Powers of the Black Sea existing in that sea at the time of passage.

While acknowledging that the Italian Government had shown its intention of conforming to the Convention

by splitting up its squadron at Constantinople, the Commission requested the League to settle for the future differences of interpretation in connection with the entry of naval and air forces into the Black Sea.

The Secretary-General communicated this letter to the Council, the Members of the League and the Signatories of the Straits Convention.

#### V. — THE BAHREIN ISLANDS. COMMUNICATIONS FROM THE PERSIAN AND BRITISH GOVERNMENTS.

In February 1929, the Secretary-General received from the Persian Government, for the information of States Members of the League, copy of a letter sent by it on January 5th to the British Minister at Teheran. This communication concerned the Bahrein Islands.

The Persian Government stated that it had learnt that the British authorities had issued instructions requiring Persians going to the Bahrein Islands to be furnished with passports, "as if Bahrein were situated outside Persia".

The note continued: "The alteration thus made in a long established practice by which the British authorities themselves recognised the incontestable rights of Persia over Bahrein, cannot be regarded as weakening the force of that recognition, more especially as the change has taken place at a moment when the settlement of the whole question may be effected by the League of Nations. It would in any case have appeared preferable, before making any alteration in the *status quo*, to have waited till the question had found a solution, either by a decision of the League of Nations or by a friendly agreement between the two Governments".

The Persian Government concluded that it was "compelled to make an emphatic protest against the attempt to infringe the rights of Persia, and to interfere with the free movement of Persians from one point to another of their national territory".

The Secretary-General subsequently received a copy of the British Government's reply, which was also forwarded to States Members.

The British Government carefully examined the views set forth by the Persian Government and expressed its opinion that there existed no valid grounds upon which a Persian claim to sovereignty over Bahrein could be based. It added "His Majesty's Government cannot refrain from expressing their surprise that the Persian Government should have referred in this correspondence to Article 10 of the Covenant of the League of Nations, under which the Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League; and that they should seemingly imagine that the terms of this article laid an obligation on Members of the League to support Persian pretensions to an island which is separated from Persia by the whole width of the Persian Gulf, and over which Persia has exercised no authority for one hundred and forty-five years ".

The British Government concluded with the expression of the hope that the Persian Government would "acknowledge the desirability of establishing good relations with Persia's neighbours, and, realising that their present antiquated claim cannot properly be sustained and is an unsurmountable obstacle to the establishment of such good relations with the Government and people of Bahrein, will on further consideration desist from its pursuit ".

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## CHAPTER IX

### PROTECTION OF MINORITIES

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- I. General Questions : (1) Requests of the Canadian and German Representatives ; (2) Work of the Special Committee : The Council Debate ; (3) Resolution of June 13th, 1929 ; (4) Statements by Members of the Council. — II. Minorities in Upper Silesia. — III. Petition from MM. Naumann and Graebe. — IV. Minorities in Lithuania.

The protection of minorities was one of the most important features of the Council's work during the past year. On the recommendation of two of its Members — M. Dandurand (Canada) and Dr. Stresemann (Germany) — a thorough investigation was made of the problem from the twofold standpoint of principles and procedure.

In accordance with the usual practice, all the documents — Minutes, reports and memoranda — relating to this enquiry were made public (1).

In addition to these general questions, numerous specific minority cases were considered by Committees of Three and by the Council itself.

#### I. — GENERAL QUESTIONS.

1. *Requests of the Canadian and German Representatives.* — In December 1928, when the Council met at Lugano, the Canadian representative, recalling the statements made at that year's Assembly by certain dele-

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(1) See the Special Supplement, No. 73, of the Official Journal of the League of Nations, with the title "Documents relating to the Protection of Minorities by the League of Nations". This publication contains the Minutes of the Council sitting as a Committee (Madrid, June 1929), part of the Minutes of the third meeting of the fifty-fifth session of the Council (June 13th, 1929), the resolution finally adopted, the "London Report" with Government memoranda, etc.

gates (1), asked that the March Council agenda should include the question of *procedure for minority petitions*. Dr. Stresemann expressed his intention of opening, at the same session, a general discussion on *the rights of minorities*.

Subsequently, M. Dandurand sent the Council a memorandum dealing with the procedure for minority petitions, while Dr. Stresemann formally asked that the Council agenda should include the question of the League guarantee for provisions relating to the protection of minorities.

The two Council meetings of March 6th, 1929, were devoted to these requests. The Canadian representative read his memorandum, adding a brief commentary. Dr. Stresemann explained his views concerning the general principles of the protection of minorities as resulting from the treaties and the guarantee entrusted to the League of Nations, and indicated the changes and additions which he considered necessary as regards procedure.

The Polish, Roumanian, French, British and Finnish representatives made statements from which appeared that, in view of the importance of the question, there was general agreement that it should be thoroughly studied by a special committee. The Rapporteur on minority questions, M. Adatci, was requested to prepare a draft resolution reflecting the views expressed during the discussion.

The resolution submitted by M. Adatci was adopted by the Council on March 7th. The Rapporteur was instructed to submit to the Council, in collaboration with the British and Spanish representatives, a report on the Canadian and German proposals, taking account of the different points raised during the discussion.

The Rapporteur and his colleagues were authorised to receive any observations that Governments of States, which had accepted provisions for the protection of minorities, might desire to present. Any other Member of the League was also entitled to submit observations.

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(1) See the *League of Nations from Year to Year, 1927-1928*.

It was decided that the report should first be examined by the Council in committee at a meeting which would take place in sufficient time before its next session.

Before adopting this resolution, even before examining the Canadian and German requests, the Council was called upon to take a decision settling a legal point which may be usefully recalled at this stage.

As the Lithuanian Government had asked to sit on the Council during the general discussion on minority questions, and it was thought that other Governments might present similar requests, the Council instituted an enquiry with a view to reaching a decision which would apply in all such cases. For this purpose, it sought the opinions of the legal advisers of the British, Italian, Japanese and Spanish delegations.

In its report the Committee thus constituted began by classifying the rules for the execution of minority treaties according to whether they were established by the Council on its own authority or required the concurrence of the States concerned.

In the first class were included decisions taken by the Council to determine the procedure whereby it exercises the powers conferred upon it by the treaties and declarations, to determine the competence of the Secretary-General in the question, and to determine the conditions for the receivability of petitions. In the opinion of the jurists, these decisions were of a general character and related to the working of the League machinery in a given sphere. They could not, therefore, be regarded as raising a question "specially affecting" a Member of the League within the meaning of Article IV of the Covenant. Hence, in so far as these decisions were concerned, the Council was under no obligation to invite States, who had assumed minority obligations, to be represented.

The second class included rules which involved the performance by the States concerned of acts not covered by the minority treaties and declarations, and, generally speaking, rules affecting the legal situation as sanctioned

by these treaties and declarations. These rules require the agreement of the Council and States concerned (1).

2. *Work of the Committee of Three. The Council Debate.*  
— The Committee appointed by the Council held two meetings—one at Geneva during the March Council session, the other in London from April 29th to May 4th.

Taking advantage of the opportunity afforded by the Council resolution of March, the Austrian, Bulgarian, Chinese, Czechoslovak, Estonian, German, Greek, Hungarian, Latvian, Lithuanian, Netherlands, Polish, Roumanian and Yugoslav Governments had forwarded suggestions to the Committee of Three. Several associations and private organisations had already sent in memoranda.

The report of M. Adatci and his colleagues, which is known as the "London Report", is in three parts.

The first gives a list of international instruments containing clauses placed under the guarantee of the League, considerations as to the origin and purpose of the minority treaties and an analysis of these treaties. The second part includes a summary of the earlier discussions of the Council concerning the nature and limits of the League guarantee, an analysis of measures taken to facilitate the exercise of the guarantee (institution and development of the procedure for the examination of petitions; creation, development and sources of information of the Minority Section of the Secretariat), a summary of the Assembly discussions on minority questions and a description of the application of the procedure of examination. The third part contains general considerations, together with recommendations and conclusions drawn up by the Committee after careful examination of the suggestions received.

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(1) A further exchange of views took place between the British and Lithuanian representatives, the latter stating that he could not accept this opinion, as his Government considered that it was not for the Council to judge whether a State was entitled to sit in virtue of Article IV of the Covenant. It was the Council's duty merely to note the statement made by a State to the effect that it was specially interested in a particular question under discussion.

The British representative, Sir Austen Chamberlain, pointed out that, in his opinion, this claim was destructive of the authority of the Council and of its capacity for work. He expressed his conviction that it was not only the right but the duty of the Council to reserve to itself the determination in each case of the existence of that particular interest which would entitle a State to sit on the Council.



The Council sitting in committee considered this report on June 6th, 7th, 8th and 11th. The discussion bore upon the historical and legal considerations and the practical conclusions embodied in the "London Report". It appeared that on several questions of principle it would be impossible to secure unanimity. These questions concerned the nature and scope of the League guarantee and the powers and functions of the Council. The Canadian, German, French, Finnish, Roumanian, Polish and Venezuelan representatives explained their Governments' views, several of them defining their attitude, as regards the questions of principle and the practical conclusions, by interpretative statements of formal reservations. These statements and reservations were noted by the Council in committee and figure in the Minutes which, in accordance with the usual practice, were published, together with the "London Report" and its annexes, so as to bring to the knowledge of all Members of the League the views of the various Members of the Council.

3. *Resolution of June 13th, 1929.* — As a result of the discussion, the Rapporteur, M. Adatci, was instructed to prepare a draft resolution in collaboration with his colleague, M. Quiñones de León, on the basis of the recommendations concerning procedure contained in the third part of the "London Report". The resolution finally adopted does not deal with questions of principle, but contains several new provisions concerning procedure.

To understand the meaning and scope of these provisions, the text of which is given below, it is necessary briefly to recall the outlines of the procedure drawn up by the Council in 1920, 1921, 1922, 1923 and 1925 (1), to which the new provisions will be added.

The procedure hitherto in force provides that minorities may appeal to the League by petitions, within the framework of the treaties; it further lays down that such petitions shall be examined by a suitable body. According to this rule, when the petition reaches the League Secretariat, the

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(1) For further details, see the Special Supplement, No. 73, of the Official Journal of the League of Nations, p. 49-60, and the Information Section pamphlet: "The League of Nations and the Protection of Minorities of Race, Language and Religion"; revised edition of 1927, p. 33-46.

Secretary-General decides whether it is receivable. The petitioners are not notified of his decision.

Once declared receivable, the petitions are first communicated by the Secretary-General to the Government concerned for observations and then to the Members of the Council for their information, together with the observations of the Government concerned.

Receivable petitions are examined by a Committee composed of the acting President of the Council and two other members appointed by him (the so-called Committees of Three). The object of this examination is to determine whether there are grounds for one or more Members of the Council to draw its attention to the violation or risk of violation of any of the provisions for the protection of minorities. The meetings of the Committees of Three generally coincide with a session of the Council, but it is possible for meetings to be held in the interval between two sessions, should the members of the Committee consider this necessary.

Members of the Council are not notified of the decisions of the Committees of Three unless the decision results in the inclusion of the question in the Council agenda. A Committee of Three may publish the results of its examination subject to the agreement of the Government concerned, but up to the present this has only once been done.

The League Secretariat publishes in regard to minority questions only the Council and Assembly Minutes and decisions.

The new regulations contained in the resolution of June 13th, 1929, by which the Council decided to supplement the procedure then in force, are as follows :

#### *1. Receivability of Petitions.*

When the Secretary-General declares a petition non-receivable, he will inform the petitioner and, if necessary, will communicate to him the Council resolution of September 5th, 1923, laying down the conditions of receivability of minorities petitions.

#### *2. Composition of Minorities Committees.*

The President of the Council may, in exceptional cases, invite four Members of the Council to examine minorities

petitions instead of two as laid down in the Council resolution of October 25th, 1920.

3. *Frequency of the Meetings of the Minorities Committees.*

The Council considers that it would be desirable for Minorities Committees to take into account the possibility of holding meetings in the intervals between sessions of the Council, whenever they think it expedient, for the examination of individual petitions.

4. *Communications concerning the Action taken on Petitions by the Minorities Committees.*

(i) When the members of a Minorities Committee have finished the examination of a question, without asking that it be placed on the Council's agenda, they will communicate the result of their examination by letter to the other Members of the Council for their information. The Secretary-General will keep the relevant documents at the disposal of the Members of the Council.

(ii) The Secretary-General will distribute once a year, for the information of all the Members of the Council, a document reproducing the letters addressed during the year, as described above, by the various Minorities Committees to the Members of the Council.

5. *Publication of the Result of the Examination of a Question by a Minorities Committee.*

The Minorities Committees should consider carefully the possibility of publishing, with the consent of the Government concerned, the result of the examination of the questions submitted to them. The Council earnestly hopes that the Governments will, whenever possible, give their consent to such publication. The information might be published in the *Official Journal* and might consist of the letter from the Minorities Committee informing the other Members of the Council, or any other text that seemed expedient.

6. *Regular Annual Publications concerning the Work of the League in connection with the Protection of Minorities.*

The Secretary-General will publish annually in the *Official Journal* of the League statistics of : (1) the number of petitions received by the Secretariat during the year; (2) the number of petitions declared to be non-receivable; (3) the number of petitions declared to be receivable and referred to Committees

of Three; (4) the number of Committees and the number of meetings held by them to consider these petitions; (5) the number of petitions whose examination by a Committee of Three has been finished in the course of the year.

The present resolution will be communicated to the States which have accepted stipulations for the protection of minorities.

The report prepared by the Japanese representative, as Rapporteur, with the assistance of the British and Spanish representatives, including the annexes thereto, together with the Minutes of the meetings of the Council sitting in committee for the examination of this question and those of the present meeting of the Council, will be communicated to all the Members of the League and will, in accordance with practice, be published.

4. *Statements by Members of the Council.* — On the occasion of the adoption of the resolution and provisions of June 13th, the Canadian, German, Roumanian, Polish, French, British and Finnish representatives made statements confirming their point of view and explaining the conditions, meaning, and scope of their adherence.

The Canadian representative, M. Dandurand, recalled that the object of his proposal last March was to improve procedure. The resolution adopted by the Council marked important progress and provided for most of the improvements he had urged, especially in regard to publicity and the increase of the membership of the Minorities Committees. He also expressed satisfaction that any misunderstanding had been dispelled as to the possibility for Committees of Three eventually to use minorities as a source of information.

The German representative, Dr. Stresemann, recognised that the resolution constituted an improvement in the procedure to be applied and emphasised the importance of each of the changes. He regretted that it had not seemed possible to abolish the rule in virtue of which certain States might, in given circumstances, be excluded from Committees of Three (i). He added that it was

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(1) The rule referred to is contained in the Council resolution of June 10th, 1925. It lays down that, when the acting President of the Council is the representative of the State of which the persons belonging to the minority are subjects, or the representative of a neighbouring State of the State to which the minority

impossible for him to approve the "London Report", and that he entirely maintained his attitude on the question of principle as described in the German memorandum and in the declaration before the Council in Committee. It must be expected, he said, that the existing rules of a body like the Council might be supplemented by further improvements, if, in practice, the application of the new system did not come up to expectation. For that reason, every Member of the Council must reserve to itself entire freedom of action as regards further treatment of the suggestions which were now being put into force.

The report submitted to the Council constituted in its practical conclusions an endeavour to find a solution which would give the Council useful practical support. Dr. Stresemann considered that it would reveal to those who studied the documents annexed to the report the great problems hidden behind the practical work of the Council. An agreement of principle on the subject of the extension or limitation of the rights or obligations of the League of Nations had not been reached. The decision of the Council to communicate all the documents to all the Members of the League would afford them an opportunity of examining whether in this matter it was not possible and necessary to reach agreement. The Powers not represented on the Council which had already shown their interest in the settlement of this problem, had of course the right to assume what attitude they pleased towards the report. Every Member of the Council must also reserve for itself the right to make use of all the possibilities embodied in the League Covenant with a view to the elucidation of this question.

The Roumanian representative, M. Titulesco, approved the Council resolution on the understanding that the amendments of the procedure were indissolubly linked up with the "London Report", i.e., with the present system which the report merely confirmed.

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in question is subject, or the representative of a State, the majority of whose population belongs, from the ethnical point of view, to the same people as the minority in question, the duty devolving upon him under the resolution of October 25th, 1920, shall be performed by the most recent holder of the Presidency who is not in the same position. It is further laid down that the President, in selecting his colleagues, shall not appoint representatives of States coming within the above-mentioned categories.

The "London Report", he said, reflected, not merely what existed to-day, but what had existed for ten years, by virtue of a constant interpretation of the treaties given unanimously by the Council in agreement with the States signatories of the Minorities Treaties whenever the need arose. It was a statement of reasons showing why the existing procedure should not be changed except on certain definite points to be found in the conclusions. The Council was called upon to vote on all the changes proposed. It was not called upon to vote on what already existed. The changes unanimously adopted were to be found in the conclusions of the "London Report".

The Polish representative, M. Zaleski, approved the resolution with the reservation he had made in the Council Committee to the effect that the practical conclusions concerning the procedure embodied in the "London Report", and which had formed the object of the resolution, were indissolubly linked up with the principles of law in regard to the protection of minorities set out in the same report.

The French representative, M. Briand, said that he fully and entirely approved the resolution as he had approved the "London Report". The Council had obtained a valuable result in a question which was very delicate, because it involved the necessity of reconciling a sacred right embodied in certain treaties, namely, the right of minorities, with an obligation fundamental to the institution of the League, the maintenance of the principle of the sovereignty of the States of which it was composed.

He wondered whether, in so far as the Council desired to see the minorities merged in the nations of which they formed a part, it would not serve the best interests of those minorities to protect them from certain exaggerated ideas. These ideas were not only contrary to their immediate interests, but they brought the minorities into opposition with the Governments, which, after all, they had to obey, and might thereby render their position worse.

The Council, M. Briand said, had also to take into account that it could do nothing without the consent of the countries concerned and nothing without securing unanimity among its Members. Never, at any time, had the League neglected its duty as regard minorities. It had

considered this as one of its most sacred obligations, if had often discussed the matter; it had adopted resolutions; it had considered its procedure and its procedure had worked.

He uttered a warning with regard to certain elements which made political capital out of the discontent of minorities. If the fate of minorities, he said, concerned the Council and their complaints found an echo in the Council, it was because the League existed. That, in itself, was a novelty and represented real progress which should not be compromised by dangerous experiments.

The resolution, he concluded, would mean a step forward because it gave some satisfaction to minorities, and it would be to the honour of the League and its Council that it had achieved progress and solved a difficulty of this kind without in any way imperilling its constitution.

The British representative, Sir George Grahame, observed that in matters of so complicated and delicate a nature which aroused, on the one side, keen expectations and, on the other, grave apprehensions, it was almost impossible to put forward proposals which were quite satisfactory to all parties. He could not but believe that the proposals now before the Council would in practice be a distinct improvement on the existing procedure.

The Finnish representative, M. Procopé, accepted the resolution as calculated to bring out an improvement in procedure.

Dr. Stresemann made some additional observations. Like M. Briand, he recognised that the question was extremely delicate. It was precisely for that reason, he said, that the use of certain expressions gave rise to misunderstandings which were apt to last some years. At the last session of the Council, Sir Austen Chamberlain had stated that certain passages of the Minutes in which he had used the word "merged" had been misinterpreted and that he had never wished to imply in using this term that minorities must culturally be merged into the population composing the majority. The French representative had also made use of an expression which, if separated from the text, might give the same impression. Here, two things must be distinguished. Dr. Stresemann quite agreed with M. Briand that any action on the part of a

minority must be taken in accordance with law and in the spirit of loyalty to the State in which it belonged. There was, however, another aspect to be considered. He thought that it would not be misinterpreting M. Briand's observations if he maintained that he did not mean that minorities must also abandon their special characteristics of race, language and culture.

Dr. Stresemann added that no one could agree with M. Briand more entirely than he himself on the point that the sovereignty of States must be preserved, as that sovereignty was one of the pillars of peace and good understanding.

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The work of the Council and its Madrid resolution were duly commented upon by the Assembly. In the course of the discussion of the Council's report, statements were made by several delegates including those of Austria, Bulgaria, Canada, Germany, Hungary, Roumania and Switzerland.

Dr. Stresemann expressed the opinion that the Madrid resolution constituted an advance as regards procedure, adding that he did not regard the present situation as final and was convinced that the League would not hesitate to improve the present arrangements, should experience prove that they did not fulfil expectations. In conclusion, he said that he would not propose this year that the question should be referred to the Assembly Committee but would reserve this suggestion for the future.

The Austrian, Bulgarian and Hungarian representatives made statements to the same effect.

## II. — MINORITIES IN UPPER SILESIA.

On the basis of the conclusions submitted by its Rapporteur on minorities — M. Adatci — the Council settled at each of its sessions numerous points raised in petitions



from German or Polish Upper Silesia dealing mainly with educational questions (1).

During the past year, the German and Polish Governments entered into direct negotiations for the settlement of several questions relating to the interpretation of the Upper Silesian Convention of May 15th, 1922. These negotiations took place under the direction of M. Adatci and with the assistance of M. Calonder, President of the Upper Silesian Mixed Commission. They led to agreements embodying practical arrangements to facilitate the application of certain clauses of the Convention and dealing more particularly with the right of petition, channels of appeal, the form in which petitions should be submitted, procedure before the Mixed Commission, time-limits, etc.

M. Adatci expressed the opinion that these agreements would result in an improvement and acceleration of the local procedure and would facilitate the Council's task, as it would no longer be called upon to decide as to the merits of questions which were not of sufficient importance to warrant a direct appeal. It would also facilitate the relations between minorities and the competent authorities. In this connection, the Rapporteur drew the Council's attention to a statement made during the negotiations by M. Calonder regarding the necessity of examining and settling, in a spirit of close and friendly co-operation, questions concerning minorities in Upper Silesia.

The Rapporteur expressed the hope that it would be possible to settle in the same way the complicated question

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(1) Special mention must be made of the following questions: the minority school of Nowa-Wies; the admission of children to private minority schools in Swierklaniec, Nowa-Wies and Lipiny; petition concerning the property rights of the St. Julian Hospital at Rybnik; entries for primary minority schools in the Voivodship of Silesia; the closing of six minority schools by the Polish authorities; failure to open a German primary school at Koszecin; the use of the Polish language by members of the Polish minority in their relations with officials in German Upper Silesia; the use of the Polish language by children belonging to the minority and attending primary schools in German Upper Silesia; facilities to be granted to the Polish minority in German Upper Silesia as regards their religion; the arrest of M. Ulitz; position of the Polish minority schools in German Silesia; execution by the Polish Government of the Council resolution of March 12th, 1927; petition from the Association of Poles in Germany concerning public security in German Upper Silesia; petition from the Association of Poles in Germany with regard to incidents which occurred on the occasion of the performance of the opera "Halka" at Oppeln.

of the admission of children to German minority schools in the Voivodship of Silesia (1).

### III. — PETITION FROM MM. NAUMANN AND GRAEBE.

A petition having been addressed to the Council by MM. Naumann and Graebe on the subject of the liquidation of the property of certain Polish nationals belonging to the German minority, the German representative, in view of the urgency of the question owing to measures taken by the Polish Government to proceed to the liquidation of the property, asked that it should be included in the agenda of the fifty-fifth session of the Council.

In the course of conversations with the representatives of the two States concerned, the Rapporteur, M. Adatci, came to the conclusion that the question raised by the petitioners, in particular those concerning the acquisition of Polish nationality, would be more rapidly and effectively settled by direct negotiations between the Polish and German Governments. On June 15th, he informed the Council that the representatives of those Governments had agreed to enter, as soon as possible, into direct negotiations under his Presidency. It was understood that, should he think it expedient, M. Adatci could entrust the actual Chairmanship to any person he might consider best qualified to exercise it.

M. Adatci stated that the Polish Government had informed him that if it were found that the persons affected were entitled to Polish nationality, the Polish Government would not fail to cancel the liquidation. This would in principle mean the restoration of the liquidated property to its former owners. In cases where liquidation had been carried out and the restoration of the property was difficult in practice, an equitable and suitable compensation might be paid.

The negotiations took place in July and August under the direction of M. Kaeckenbeeck, President of the Upper Silesian Arbitral Tribunal. They resulted in agreements

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(1) For further details, see *The League of Nations from Year to Year 1927-1928*.

concerning not only the cases specifically mentioned in the petition, but also similar cases of which the German Government was entitled to transmit the lists to the Polish Government before October 1st, 1929. These agreements covered a number of questions of nationality bound up in many cases with questions of liquidation.

The two delegates agreed to determine the procedure for all cases that had not been definitely settled. It was understood that the German Government, as a Member of the Council, should retain its right to submit cases still in dispute to the Permanent Court of International Justice. The German Government proposes in any case to submit to the Court at an early date certain questions concerning legal entities, the possibility of the re-examination of these questions by technical delegates having been dismissed.

#### IV. — PETITION OF THIRTY-FOUR PERSONS OF RUSSIAN ORIGIN LIVING IN LITHUANIA

This petition, the examination of which is not yet terminated, concerns alleged discriminatory treatment meted out to persons of Russian origin established in Lithuania. It was brought before the Council in the following circumstances. The petition was declared receivable on the recommendation of a Committee of Jurists (analysed last year) (1) and forwarded for examination, in accordance with the usual procedure, to a Committee of Three Members of the Council, namely, the Finnish, British and Italian representatives. The Lithuanian Government having been invited to present observations, expressed the opinion that it was too early to submit observations on this subject as it did not yet figure in the Council agenda. The Committee of Three had therefore to study the question exclusively in the light of the information contained in the petition. As a result of this study and in view of the above statement of the Lithuanian

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(1) See *The League of Nations from Year to Year, 1927-1928*.

Government, the Committee asked that the question should be included in the agenda.

The Lithuanian representative subsequently made a statement in which he endeavoured to show that the question, if judged purely from the point of view of substance, was of no interest. He laid special emphasis on the nature of his Government's undertakings as regards minorities. As the Rapporteur had not had time to prepare his report, the question was postponed until the January Council Session.

The British representative said that, having studied the papers concerning this case, he felt that the Committee of Three had carried out its duties in a very satisfactory manner. His Government was a little surprised that the Lithuanian Government had not thought fit to reply to the questions put to it on the subject. He expressed the hope that in future the Council would have the co-operation of the Lithuanian Government in the work of the protection of minorities to which the British Government attached great importance.

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## CHAPTER X

### MANDATES

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- I. Annual Reports : (1) Iraq; (2) Tanganyika; (3) New Guinea; (4) South West Africa; (5) Western Samoa; (6) Other Mandates (Togoland and Cameroons under British mandate; the Pacific Islands under Japanese mandate; Palestine and Trans-Jordan; Syria and the Lebanon; Ruanda-Urundi; Togoland and the Cameroons under French mandate). — II. Petitions : (1) The Bahai Spiritual Assembly; (2) Incidents at the Wailing Wall; (3) The Hedjaz Railway. — III. The Palestine incidents before the Council and the Assembly. — IV. General Questions : (1) Liquor Traffic; (2) Public Health; (3) Economic Equality.

The new treaty between Great Britain and Iraq and the abolition of the Anglo-Iraq Judicial Agreement; the possibility of an administrative and Customs union between Tanganyika, Kenya and Uganda; certain aspects of the administration of New Guinea; the legal relations between the mandatory Power and the territory of South West Africa, the status of the inhabitants, labour conditions, and the railway system in that territory were the principal questions dealt with by the Mandates Commission and the Council in connection with the examination of the annual reports of the mandatory Powers.

Among the petitions considered, those concerning the Bahai Spiritual Assembly, the incidents at the Wailing Wall and the Hedjaz railway merit special mention.

Important statements were made in the Assembly and the Council by the British and other representatives on the subject of the incidents which took place in Palestine in August after the close of the session of the Mandates Commission.

The Commission studied various general questions such as the liquor traffic, public health and the treatment accorded by Members of the League to nationals of mandated territories and products and wares from those territories.

## I. — ANNUAL REPORTS FROM THE MANDATORY POWERS.

1. *Iraq*. — On December 14th, 1927, Great Britain and Iraq signed a new treaty which, in virtue of the undertaking given by the British Government in 1926, could not be put into force unless approved by the Council. As the treaty had not so far been submitted for approval, the Commission decided to abstain from observations or recommendations until its opinion was officially requested.

At the Council session of March 1928, the British representative said that the new Anglo-Iraq Treaty would be submitted as soon as it had been completed by the military and financial agreements under negotiation. He added that he would at that time be able to reassure the Council in regard to any matters that might have given rise to misgivings.

At the request of the British Government, the Council approved in principle the abolition of the Anglo-Iraq Judicial Agreement of March 25th, 1924 and the institution of a uniform system of justice. In support of the request, the British representative said that this measure was necessary for the maintenance of order in Iraq and the establishment of friendly relations between Iraq and her neighbours.

The Judicial Agreement provided for the grant of special judicial privileges in Iraq to nationals of States which formerly benefited by capitulations in the Ottoman Empire. These privileges included, *inter alia*, the right in certain circumstances to have cases tried by British judicial officers either alone or in company with Iraqi colleagues. This system, restricted to nationals of certain States, had called forth resentment not only among the Iraqis, but also among foreigners not enjoying these privileges. In particular, the Persian Government had often protested against this situation.

At the Council meeting of March 1929, the Persian representative expressed his satisfaction at the decision of the British Government. It was decided that the proposals for the reform should be prepared by the British Government in agreement with the Iraq Government and submit-

ted to the Council. The Persian Government, noting that the Council had in principle approved the reform, decided to recognise the Government of Iraq—a decision which became effective on April 25th, 1929.

2. *Tanganyika*. — The Mandates Commission received from the British Government a copy of the report of the Hilton Young Commission on its enquiry in Tanganyika and the neighbouring countries.

The Hilton Young Commission proposed a closer administrative, Customs and fiscal union between the mandated territory of Tanganyika and the neighbouring territories of Kenya and Uganda which are under British sovereignty. The accredited representative of the mandatory Power informed the Mandates Commission that his Government had not yet reached any decision on the findings of the report. In these circumstances, the Commission felt that it could not formulate a definite opinion; but on account of the importance of the proposals from the point of view of their agreement with the provisions and principles of the mandate, it decided to draw the Council's attention to the situation that might result from the application of the proposals in question.

At the Council meeting of September 1929, the German representative, Dr. Stresemann, recalled that the whole mandates system was based upon the principle that mandated territories constituted international independent unities, for the administration of which the mandatory Powers were responsible to the League. He considered that the political independent existence of a mandated territory—and therewith the permanency of the League's control of the execution of the mandate—must not be called in question. He expressed the hope that, as a result of collaboration between the Commission and the Mandatory, this question would finally be settled in accordance with the spirit of the Covenant and the mandate.

The Italian representative queried whether the scheme recommended by the Hilton Young Commission was in conformity with the spirit of the mandate, notwithstanding the existence of a clause authorising the union, from the Customs and administrative point of view, of mandated territories with a territory placed under the direct sovereignty

of the mandatory Power. In his opinion, the object of the Customs union contemplated by the mandate was to facilitate the administration of the mandated territory by uniting it to a larger administration already in existence. In the case of Tanganyika, the position was reversed, since Tanganyika was the principal territory, whereas Kenya and Uganda might be regarded as accessory territories.

The British representative recalled that his Government was at that moment studying the problem. He added that when his Government had come to a decision it would immediately communicate with the Mandates Commission which would then, before the decision was put into effect, have an opportunity of considering it and making its observations. The Council noted this statement.

3. *New Guinea*. — As the mandatory Power, Australia, had not yet supplied the information requested by the Commission regarding aspects of the New Guinea administration which caused it some misgivings, the Commission asked that the next report should give definite details regarding the action contemplated to do away with the irregularities in labour recruiting described in various documents, and to deal with the deplorable moral conditions prevailing among the natives.

In a letter to the Commission, the accredited representative subsequently stated that steps had already been taken to cope with the situation.

4. *South West Africa*. — In connection with the South West African Government's report, the Commission paid special attention to the status of the inhabitants, labour conditions and railways. As regards non-native inhabitants, it asked the Mandatory for information as to the conditions under which British or Union nationality could be acquired.

As regards labour conditions, the Commission noted with regret that the measures taken by the Administration and by the mining companies to safeguard the health of natives from tropical areas employed in the mines did not seem to have been completely successful.



Reviewing the legal and financial position of the railways and ports of the territory, the Commission expressed the hope that the Mandatory would make the necessary arrangements to amend the South West African Railways and Harbours Act of 1922 in order to bring the railway and harbour regime into conformity with the principles of the mandate, the Treaty of Versailles and the decision of the Council of June 9th, 1926.

In the laws of the territory, the term "full sovereignty" is used to define the legal relations between the Mandatory and the territory under its mandate. The Commission asked the Government of the Union what interpretation it placed upon the term "to possess sovereignty". It asked whether it expressed only the right to exercise full powers of administration and legislation in the territory of South West Africa under the terms of the mandate and subject to its provisions and to those of the Covenant, or whether it implied that the Government of the Union regarded itself as sovereign over the territory.

5. *Western Samoa*. — The Commission noted that the passive resistance organised by the agitators in Western Samoa, which was mentioned in last year's report, acted as an obstacle to the Administration and had gone so far as to paralyse its action in some departments. It considered that the continuation of this unrest might result in a very serious check to the prosperity of the country and it expressed the hope that the Administration would regain control of the situation and that a normal condition of affairs would be re-established.

6. *Other Mandates*. — After examining reports on *Camereroons* and *Togoland* under British mandate, *Nauru*, and the *Pacific Islands* under Japanese mandate, the Commission took note of the progress made, drew the attention of the mandatory Powers to certain points and asked them for additional information in regard to matters which did not seem quite clear.

In connection with the reports on *Palestine* and *Trans-Jordan*, the Commission asked the Mandatory to furnish in its next annual report complete information concerning the concessions granted by it to a financial group for the

exploitation of the natural wealth of the Dead Sea and also for the construction of the harbour works at Haïffa, so as to enable it to form an opinion as to whether the procedure was in accordance with the mandate. It also asked for details in regard to a joint plan prepared by the Palestinian, Egyptian and Syrian Governments for the detection and suppression of the illicit traffic in dangerous drugs. It expressed the hope that the frontier between Trans-Jordan, Syria, Iraq, and Nejd would be traced on the spot as soon as possible and to the satisfaction of all concerned.

On the occasion of the examination of the report on Syria and the *Lebanon*, the Commission noted the statement of the accredited representative of the Mandatory concerning the conditions and circumstances in which an attempt of the Mandatory to collaborate with the Syrian Constituent Assembly had failed. It expressed the hope that when the opposition had died down, the Mandatory would, succeed, in agreement with the local authorities, in giving Syria a political status in accordance with the terms of the mandate.

When examining the report on the *Cameroons* and *Togoland* under French mandate, the Commission repeated its recommendation that subsidies granted by the mandated territories to institutions of the mother country and to certain international organisations should be in proportion to the benefits which the mandated territories would derive therefrom. It drew the attention of the Mandatory to excessive and persistent differences between the budget estimates and the actual receipts and expenditure. As regards the *Cameroons*, the Commission noted that the system of rationing spirituous liquors appeared to have produced good results and asked whether the maximum authorised could not be reduced. It noted with satisfaction the efforts to combat the spread of sleeping-sickness and the remarkable work of the special mission established for this purpose. As regards *Togoland*, the Commission's attention was arrested by the fiscal effort demanded of the natives for the constitution of reserves which were large in proportion to the whole budget. It expressed the view that the financial policy of the Administration showed a tendency to charge the ordinary budget with

expenditure on major public works such as railway construction, and asked for a reasoned account of the general financial policy of the Mandatory.

In connection with its examination of the report on *Ruanda-Urundi*, the attention of the Commission was specially drawn to a proposal for the transfer of inhabitants of the mandated territory to neighbouring areas in Belgian Congo. Without expressing an opinion as to the merits of this scheme, the Commission was inclined to doubt whether a better solution for the questions arising from the overpopulation of the territory could not be found in another direction. It noted with satisfaction that the Mandatory intended to examine carefully demands for concessions of lands on the part of European enterprises. It nevertheless expressed some anxiety as to the unfavourable effect which the attribution to Europeans of vast tracts of land might have upon the prosperity and development of the natives of an over-populated country whose cultivable surface was hardly sufficient for the population. The recruiting of workers for the Katanga Mines having again been authorised in *Ruanda-Urundi*, after temporary suspension owing to the high death rate among the first contingents, the Commission expressed its confidence that the Mandatory would continue to exercise the same vigilance and supervision of this recruiting as in the past.

## II. — PETITIONS.]

The Commission examined several petitions and in each case its observations were brought to the knowledge of the mandatory Power and the petitioners concerned.

The more important petitions may be analysed as follows :

1. *Pétition from the Bahai Spiritual Assembly (I) (Iraq).* — In a petition to the Commission, this community maintained that owing to a series of intrigues actuated by religious fanaticism in which the administrative authorities and also the judicial authorities were associated,

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(1) The Bahais are a Moslem Sect.

it had been seriously disturbed in the exercise of its religion and deprived in favour of a rival sect of property belonging to its religious head.

The Commission recognised the justice of this complaint and recommended the Council to approach the British Government with a view to the immediate redress of the wrong suffered by the petitioners.

2. *Incidents at the Wailing Wall (Palestine).* — Following the incidents at the Wailing Wall at Jerusalem on the Jewish Day of Atonement (September 24th, 1928), various petitions were sent to the Mandates Commission of which the most important was from the Zionist Organisation.

The Commission, while regretting these incidents, noted that the Palestinian Government had already approached the authorities with a view to facilitating an agreement. It expressed the hope that the Mandatory would succeed in appeasing public feeling and that neither party would by unreasonable demands or intolerant refusals assume the responsibility of provoking public disturbances.

3. *The Hedjaz Railway.* — A petition from the Emir Chekib-Arslan drew attention to the fact that the Hedjaz Railway, which passes through several mandated territories (Syria, Palestine and the Trans-Jordan), is Moslem property and asked that these property rights should be recognised on the grounds that the Ottoman Empire had considered the Hedjaz Railway as a religious foundation.

The Commission considered that the proposals made by the mandatory Powers concerned with the administration and operation of the railway with a view to the creation of an Advisory Committee did not seem to conflict with the religious aspirations of the Moslem population, but tended to create a situation as similar to pre-war conditions as circumstances would allow. It further expressed the opinion that the Moslem population of the territory concerned would be well advised, in the interests of the resumption of traffic and of improved conditions in pilgrim transport, to associate themselves with the efforts made by the mandatory Powers to settle the matter.

### III. — THE PALESTINE INCIDENTS.

The Palestine incidents occurred just before the Assembly and Council sessions of last September, and several Government representatives made statements on this subject. The British representatives made important declarations with regard to the policy that their Government intended to adopt and the measures taken or contemplated.

Immediately after the opening of the Assembly, the British Prime Minister, Mr. Ramsay MacDonald, stated that he could not consider the Palestine incidents as evidence of a racial conflict; he further stated that the British Government was about to institute an enquiry to seek remedies and to take measures to prevent a recurrence of such incidents.

Some days later the question of the Palestine incidents was raised in the Council. The Rapporteur, M. Procopé (Finland), expressed the Council's sympathy with the victims, recalling that the well-being and development of the inhabitants of the mandated territory were, in the words of the Covenant, "a sacred trust of civilisation" placed in the hands of the mandatory Power and that the Council, by its right of supervision, was indirectly responsible for the execution of this trust,

The British representative, Mr. Henderson, described the steps taken to restore order. He explained the situation, pointing out that martial law was not enforced and that participants in the disturbance had been tried in the ordinary civil courts. He added that the British Government had no idea of reconsidering the British tenure of the British mandate of Palestine and that no enquiry was contemplated that might alter the position of that country in regard to the mandate—or the policy laid down by the Balfour Declaration of 1917 and embodied in the mandate—of establishing a Palestinian National Home for Jews. The enquiry initiated by the British Government was therefore limited to the immediate emergency.

The Polish, German, Roumanian, French and Persian representatives also associated themselves with the sympathy expressed by the Rapporteur with the victims of the incidents.

M. Zaleski as representative of a country whose population included three million Jews, noted with satisfaction the statement of the British Government.

Dr. Stresemann also expressed his satisfaction at Mr. Henderson's statement, which he thought held out hopes that order would be promptly restored and that the inhabitants of the territory would be able to live together in peace.

M. Titulesco thanked Mr. Henderson for his explanations, noting the statement that the disturbances had not been due to racial animosity, but to the criminal acts of individuals.

M. Briand informed the Council that the French Government had immediately taken measures at the Syro-Palestinian frontier to prevent any spread of the disturbances.

The Rapporteur expressed his conviction that the British Government would forward the League any further information it might obtain as to the immediate and remote causes of the incidents, the steps taken to pacify the country and the measures taken to prevent any recurrence of such incidents.

He proposed that, in accordance with the usual procedure, all the relevant documents should be forwarded to the Mandates Commission in order that it might thoroughly examine them at its next session or at an extraordinary session and communicate its observations to the Council.

The President, Ali Khan Foroughi, said that the Council might be certain that the enquiries referred to it by the British representative would be conducted in a spirit of equity and impartiality.

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In the Sixth Assembly Committee, which reviews every year the work done as regards mandates, the British delegates again gave assurances that no act of terrorism

or disorder would impede the integral application of the clauses of the mandate for which the British Empire was responsible to the League. The mandatory Power had no intention of proposing any modifications as regards the system of the Palestine mandate.

#### IV. — GENERAL QUESTIONS.

1. *The Liquor Traffic.* — The Mandates Commission studied the causes of the increased importation of spirituous liquors into territories under B mandate and the steps taken to remedy the situation. It came to the conclusion that the increase might, in general, be ascribed to the growing wealth and purchasing power of the natives and to the opening up of the country to railways and motor transport.

The following measures were proposed as remedies :

The increase and equalisation of duties by agreement between the British and French Governments; the prohibition of the sale of spirits except under licence; the absolute prohibition of the manufacture, sale and possession of spirits by natives in the zone of prohibition laid down in the Saint Germain Convention; the imposition of railway rates on the carriage of spirits on a sharply ascending scale and the extension of this system as far as may be practical to motor transport.

The Commission also urged that the Mandatories should use identical terms of nomenclature and in their reports to the Brussels Bureau (1) should indicate in terms of pure alcohol by weight, the alcoholic content of spirits imported, and of wines or any other beverage fortified by the addition of spirits.

The Council adopted these suggestions and recommended them to the mandatory Powers.

2. *Public Health.* — In this field, the Commission was more particularly concerned with the shortage of doctors

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(1) The Brussels Bureau is the Central International Bureau for the Supervision and Control of the Liquor Traffic in Africa, set up under the Saint Germain Convention of September 10th, 1919.

and public health specialists in several of the mandated territories.

While appreciating the efforts and the progress achieved by the Mandatories, the Commission drew the Council's attention to the following points, which, in its opinion, called for elucidation.

(a) What are the difficulties, if any, encountered in recruiting public health officials for mandated territories?

(b) Do the mandatory Powers accept properly qualified doctors of foreign nationality as officials in their mandatory administrations? If not, would it not be possible to alter their policy in this connection?

(c) What qualifications do the mandatory Powers require of public health officials whether nationals or foreigners? and

(d) Should the difficulties encountered in recruiting an adequate number of doctors nationals of the Mandatory prove insuperable and should the principles of public health absolutely preclude the engagement of foreign doctors as officials, would it be possible to encourage by more liberal subsidies the medical work of the missions operating in mandated territories?

3. *Economic Equality.* — In conformity with the principle laid down in Article 22 of the Covenant, A and B mandates provide that the States Members of the League shall enjoy economic equality in the mandated territories, but no legal basis exists upon which natives of these territories can claim similar treatment.

The Commission examined this problem in its different aspects and suggested two solutions, namely, the conclusion of an international convention by which States Members would grant nationals of and products and goods from territories under A and B mandate complete reciprocity as regards economic equality, or the conclusion of bilateral agreements between the mandatory Powers and the States Members of the League by means of direct negotiations.

The Council invited the mandatory Powers to state which of these methods they preferred.

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## CHAPTER XI

### THE SAAR AND DANZIG

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#### I. The Saar Territory. — II. The Free City of Danzig.

No event of any special importance is mentioned in the quarterly reports sent by the Governing Commission to the Secretary-General for transmission to Members of the League.

As regards Danzig, the only decision taken by the Council concerned the conditions in which the High Commissioner exercises his right of veto in respect of treaties applying to the Free City.

#### I. — THE SAAR TERRITORY.

In the reports of the Governing Commission, attention is drawn to the Commission's action in a conflict between the mining administration and the workers. The Commission succeeded in bringing about an agreement which resulted in the signing of a new wage contract in January 1929. Since these new regulations have been in force, the output of the mines has gradually approached its former level.

As a result of negotiations between the mining administration and the trade unions, miners' wages were increased by five per cent; the position on the labour market continued to improve; the unemployment figure dropped from about 10,000 in March 1929, to about 3,500 in May.

As regards finance, the Commission authorised the Union of the Communes and Districts of the Territory to begin negotiations for a loan for certain public works, repairing and building roads, public baths, slaughter houses, drainage, bridges, tram and omnibus lines, etc.

In this connection, attention must be drawn to the Commission's scheme for the issue of a loan for certain public works (improvements in the railway and telephone services, building of houses for State officials, road repairs, etc.). In view of the special situation of the territory, the Commission applied to the Council, which in its turn requested the Financial Committee to examine the scheme.

The Financial Committee expressed the opinion that the Saar financial position was sound and consistent with the issue of a loan, but in view of the circumstances, it did not consider it advisable to enter into the various technical questions involved. The Council adopted this opinion and decided to postpone its examination of the problem.

There was no change in the membership of the Commission. The Council prolonged the term of office of all its members for a further period of one year beginning on April 1st, 1929.

## II. — THE FREE CITY OF DANZIG.

The new League High Commissioner, Count Manfred Gravinga, took up his duties on June 12th, 1929. He notified the Secretary-General of the conclusion of several economic and fiscal agreements between the Free City and Poland.

At his request, the Council adopted on September 6th, new rules of procedure for the exercise by the High Commissioner of his right of veto in respect of treaties applying to the Free City (Article 6 of the Polish-Danzig Treaty, Paris, 1920).

This decision cancels the previous resolutions adopted by the Council and is based on proposals submitted by the High Commissioner in agreement with the Polish and Danzig Governments; it sanctions the procedure actually followed since 1924, namely, the inclusion in the Council agenda of questions regarding treaties applying to Danzig only if the High Commissioner considers them inconsistent with the Paris Treaty or with the status of the Free City, or if a Member of the Council asks for them to be examined.

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## CHAPTER XII

### SOCIAL AND HUMANITARIAN WORK

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- I. Opium Traffic : (1) Work of the Advisory Committee; (2) The Assembly and the Limitation of Manufacture; (3) Work of the Permanent Central Opium Board; (4) Commission of Enquiry into Opium-Smoking in the Far East. — II. Traffic in Women. — III. Child Welfare. — IV. Refugees : (1) Russian, Armenian, Assyrian; Assyro-Chaldean and Turkish Refugees; (2) Settlement of Armenian Refugees in the Republic of Erivan. — V. International Relief Union. — VI. Slavery : (1) Application of the 1926 Convention; (2) The Liberian Request.

Substantial progress was made during the past year in all branches of the League's social and humanitarian work — the campaign against opium and the drug traffic, the prevention of traffic in women, child welfare, the relief of refugees, and the application of the 1926 Slavery Convention.

#### I. — OPIUM AND DRUG TRAFFIC.

The work of the Advisory Committee on Traffic in Opium showed that the illicit traffic was still considerable and that it was urgent that measures should be taken to cope with this situation. The Committee proposed various measures to this effect, but the most important decision was taken by the Assembly, which adopted the principle of the limitation of drug manufacture by international agreement.

Other points which should be mentioned are the institution of the Permanent Central Opium Board, provided for by the Geneva Convention of 1925, and the constitution and departure of the Commission of Enquiry into Opium-Smoking in the Far East.

1. *Work of the Advisory Committee.* — As in preceding years, the Advisory Committee on Traffic in Opium considered the situation in the light of annual reports forwarded by Governments. It noted that several States had never furnished annual reports and that the States in question included Persia and Turkey, countries of considerable importance from the point of view of the production and distribution of opium (1).

The Committee also noted that more than half the States Members of the League had not yet ratified the Convention. In the Commission's opinion, the immediate ratification and strict application of this Convention would be the most useful single measure that could be at present taken to suppress the illicit traffic.

At its request, the Council and the Assembly launched an appeal to all States Members that had not yet ratified the Convention. Further, the Assembly decided to draw the attention of Governments to the vital necessity of bringing into operation an effective national system of administrative control, following the coming into force of the 1925 Convention, and recalled the model code for the control of the drug traffic prepared by the Advisory Committee last year.

The reports on seizures of opium and drugs show that the situation in regard to the illicit traffic is still serious. The following case was considered with particular attention. The Netherlands Government had submitted a memorandum concerning the transactions of a Dutch firm, which, although it did not infringe the laws then in force, nevertheless dealt with the export of narcotics for unlawful purposes. The Dutch exports during 1927 and the first half of 1928 were estimated at approximately 950 kgs. of morphine, 3,000 kgs. of heroin and 90 kgs. of cocaine, the greater part of which had been sent to the Far East. The Committee expressed the opinion that this centre of illicit traffic had most probably dealt with about half

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(1) The Persian delegate to the Assembly explained the difficulties in the way of Persia's ratification of the Geneva Convention. He added that owing to the recent establishment of an Opium Monopoly, his Government would shortly be in a position to send in its first annual report, which would contain all the information possible to obtain at present. A very full report for 1928 has just reached the Secretariat.

the total world production of heroin. As a result of the coming into force of the Geneva Convention and increased supervision in the Netherlands, this firm had to give up business.

The Committee again recommended that Governments should make special enquiries before granting licenses to firms. It urged that licenses for manufacture and trade should be immediately withdrawn when it had been proved that the firms to which they had been given were engaging in the traffic or supplying drugs for such traffic. It also urged that traffickers should receive exemplary punishment.

In view of the quantity of smuggled drugs that passed through the post (especially for the Far East), the Assembly recommended that all States Members should introduce as soon as possible provisions authorising the administrations both in the countries of consignment and in the countries of destination to subject to Customs Supervision correspondence, letters, business papers and samples which they had reason to suspect contained drugs.

The Assembly, further, emphasised the importance of securing the effective co-operation of the Criminal Police Authorities in the League's work for the suppression of the illicit traffic.

The Advisory Committee examined a scheme for the limitation of drug manufacture, prepared by an American citizen, Mr. C. K. Crane, which the American Government had forwarded through the intermediary of the Netherlands Government. Under this scheme each Government would notify in advance, for a determined period, its requirements of each of those substances derived from opium or the coca leaf that are now or may in future be covered by the Hague Convention or the Geneva Convention. Each State would indicate from which country it intended to purchase the amount of narcotic drugs required for medical and scientific purposes. Some members of the Committee who were in favour of the general idea embodied in this scheme thought it should be taken as a starting point when the limitation and possibly the establishment of a government monopoly came up for discussion; the majority of the Committee, while agreeing that the idea set forth in the scheme was ingenious, did

not think that it could be realised. For this reason, it did not consider it advisable to take any action, stating that, in its opinion, it would be preferable to await the results of the application of the Geneva Convention, which had just come into force and provided a stricter system of control.

Subsequently the Governments of Costa Rica, Belgium and Italy intimated that they would accept the fundamental principles of this scheme.

*2. The Assembly and the Limitation of Manufacture.* — The idea of the limitation of drug manufacture gained considerable ground during the Tenth Assembly. The French and Japanese delegates informed the Assembly of their Governments' decisions to impose the limitation of manufacture, and the Venezuelan, Italian, Uruguayan and British delegates brought in resolutions on the subject.

The result of the discussion was the emergence of the possibility of agreement among manufacturing countries as to the desirability of the limitation of manufacture. The Assembly finally adopted a resolution noting the acceptance of the principle of limitation by international agreement, to be secured by a conference, which would determine the total amount of narcotics required to meet the legitimate medical and scientific needs, as well as the quota to be allocated among the various manufacturing countries.

The Advisory Committee was requested to prepare plans for limitation having regard to the world's medical and scientific requirements and the means of preventing an increase in prices which might lead to the establishment of factories in countries which are not at present manufacturing countries.

The Committee's report will be submitted to the Council, which will decide on the convening of a Conference of Governments of manufacturing and the principal consuming countries.

*3. Permanent Central Opium Board.* — The Permanent Central Opium Board instituted under the Geneva Convention of February 19th, 1925, to watch the illicit opium traffic, was constituted in December, 1928, by the Council. The members appointed were : M. O. Anselmino (German),

M. C. Bonin (French), M. J. Gallavresi (Italian), Mr. L. A. Lyall (English), Mr. H. L. May (American), M. Miyajima (Japanese), Sir B. K. Mullick (India), M. Henry Ramsay (Finnish).

These eight authorities were selected from a list of seventeen experts, submitted by the signatories of the Geneva Convention.

The Council had invited the American Government to take part in the appointment of the members of the Board. The American Government expressed its regret at being unable to do so, considering, as it did, that the Geneva Convention was, in several respects, unsatisfactory. It recognised that the traffic in narcotic drugs could be controlled only by international co-operation and proposed, in continuation of its efforts towards that end, and, in addition to observing its obligations under the Hague Convention, to endeavour to furnish such information as the Board might request.

In reply, the Council pointed out that the provisions of the Geneva Convention regarding the limitation of production represented the maximum obtainable in 1925 by a Conference of forty-one States, after discussions which had lasted three months. The opinion of the American Government that the Geneva Convention tended in some respects to nullify the Hague Convention was not shared by the Council, which considered that the former should be regarded as supplementary to the latter, and that the best method of securing the effective control of the drug traffic was to press for the widest possible ratification of the Geneva Convention, in addition to the strictest enforcement of the Hague Convention.

The Geneva Convention, it further emphasised, represented the accumulated experience of several years' effort, such as the import certificate system and the extension of the system of control to crude cocaine, ecgonine, coca leaves, Indian hemp, etc.—and had been definitely ratified or acceded to by twenty-seven States as a valuable advance on the Hague Convention.

Turning to the point most strongly emphasised by the United States—that the drug traffic could be controlled only by international co-operation—the Council expressed

its appreciation of the co-operation already given by the United States and its earnest hope that even if there were not complete agreement on all points, this collaboration might be continued.

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The Permanent Central Board devoted its first session to organising its work and preparing statistical forms to be sent to Governments.

By the 1925 Opium Convention the parties undertake to send the Board every three months, for each of the substances covered by the Convention, statistics of their imports and exports to and from each country during the past three months.

The forms drawn up by the Board concern annual estimates, annual statistics of production and manufacture, quantities purchased for Government purposes and for other consumption, annual statements of stocks, annual statements of seizures of illicitly imported or exported opium and other drugs.

During the first six months of 1929 twenty-eight Governments sent information to the Board.

4. *Commission of Enquiry into Opium-Smoking in the Far East.* — This Commission, the creation of which was recommended by the 1928 Assembly at the suggestion of the British Government, was constituted by the Council in March 1929, after the British Government had reached agreement with the other Governments concerned with regard to the financial aspects of the enquiry.

The Commission is composed of M. Ekstrand, Minister Plenipotentiary of Sweden at Buenos Aires, former Member of the Mixed Commission for the Exchange of Greco-Turkish Populations (Chairman); M. Max Leo-Gerard, Director-General of the Sinking Fund of the Belgian Public Debt, and President of the Belgian Society of Political Economy; M. Jean Havlasa, former Minister Plenipotentiary of Czechoslovakia at Rio de Janeiro.

The enquiry will bear upon the measures adopted by Governments to give effect to the Hague Opium Convention,



Chapter 2, and the Geneva Opium Agreement of 1925, the nature and importance of the illicit opium traffic in the Far East and the difficulties which this traffic places in the way of the execution of the provisions in question.

The enquiry will be conducted in the Far Eastern territories of States Members of the League which have agreed thereto. It will be extended to the Philippines, the American Government having intimated that it would be willing to receive the Enquiry Commission in these islands, and that the Governor-General would be at its disposal for any information as to the practical results of the system of prohibition there enforced.

The Commission left Geneva on September 4th, 1929; its tour will last some nine months, during which it will visit Burma, the Straits Settlements, Java, Sumatra, British Borneo, Philippines, Siam, French Indo-China, Macao, Hong-Kong, Formosa and Kwangtung.

## II. — TRAFFIC IN WOMEN.

The Committee on Traffic in Women and Children studied the question of the continuation and extension of its enquiry.

It repeated its recommendation that the enquiry should be extended to countries which had not so far been visited, in particular the Near, Middle and Far East. In view of the differences in habits, customs and conditions in Eastern countries, it considered that the methods to be followed should receive special consideration. The Committee was also of the opinion that the composition of the body of experts should be adapted to the altered circumstances, *i.e.*, that it should include persons, among whom should be women, acquainted with the special conditions in the East. The Secretary-General was instructed to approach Governments whose territories had not yet been visited and to enquire whether they would give their consent and co-operation to the proposed enquiry. It was understood that the investigation should be confined to the international aspects of the question.

The Committee's examination of the question of the abolition of licensed houses showed that public opinion was more and more in favour of this measure. The French, Belgian, Japanese and German delegates made important statements on the subject.

From these statements it appears that in France and Belgium there is no law regulating prostitution; the regulations are left to the municipal authorities, who can cancel regulations which they have established without its being necessary to amend a law or to refer to the central authority. Many important cities of these two countries are now testing abolition. The French delegate considered that in these circumstances it was necessary to bring pressure upon public opinion in order that the abolitionist idea should prevail. The municipal authorities, he stated, could not fail to yield to public opinion on this point. In Japan a draft abolitionist law was submitted to Parliament in March 1929.

In Germany a verdict recently given by the Supreme Court makes it impossible in the future to evade the law of April 26th, 1927, concerning the campaign against venereal disease, and to open licensed houses under another name.

Continuing its study of laws and regulations for the protection of the public against the risks arising from prostitution in countries where the system of licensed houses has been abolished, the Committee decided to draw the attention of Governments to the necessity of ensuring that the laws concerning *souteneurs* and the application of these laws should be effective in bringing offenders to justice and in imposing suitable penalties. A special Sub-Committee was instructed to study this question.

It had been pointed out that the abolition of the age-limit in the Conventions would enable offences connected with the traffic to be punished more effectively, as, in false documents, victims of the traffic were often stated to have passed the age of 21 laid down in the 1921 Convention. At the request of the Committee, the Council authorised the Secretary-General to seek the opinion of all Governments as to the advisability of suppressing this limit.

### III. — CHILD WELFARE.

The principal work of the Child Welfare Committee was the completion of two international conventions to meet difficulties often referred to by associations or groups engaged in child welfare work. The object of these drafts is to enable Governments to conclude bilateral or multi-lateral conventions on the subjects dealt with.

The first of these drafts aims at enabling children and young people to return home, and at remedying the serious ills due to the moral and material neglect suffered by children who, having escaped or having been removed from the authority of their parents or guardians, are abroad. It provides for the return of minors to persons and institutions legally invested with paternal power or entitled to custody in more rapid conditions, at less expense and with fewer complications than by judicial means or by the diplomatic channels.

The second draft is of a wider and more important scope. It provides a solution for the problem of the assistance of all indigent foreign minors, including even those whose families reside in the same country as themselves. It is based on the principle that, in respect of assistance, the foreign minor has the same rights as the minor who is a national of the country, except that the former may be repatriated. Assistance includes not only maintenance, treatment in hospital and medical assistance, but also education. The draft reserves the rights of paternal power or custody, as well as the right of States to prohibit the settlement or temporary residence in their territory of nationals of any other State for reasons of general security, health or public morality. It abolishes the right of States to expel indigent foreign minors on the ground of their indigence alone.

The Child Welfare Committee also studied the questions of the age of marriage and consent, auxiliary services of juvenile courts, illegitimate children, the effect of the cinematograph on child welfare, etc.

As a result of the Committee's work on the age of marriage and consent, the age limit has been or is in course of being raised by the laws of certain countries.

On the subject of the auxiliary services of juvenile courts, the Committee prepared a questionnaire, which the Council decided to send to all Governments.

From the material collected by the Committee on illegitimate children, it would appear that it is necessary to ensure more effective protection for the illegitimate child. The Committee expressed the opinion that, in respect of protection and assistance, the illegitimate child should be treated on the same footing as the legitimate child, due respect being paid to family rights.

As regards the cinematograph in its relation to child welfare, the Committee recommended that the International Educational Cinematographic Institute in Rome should study measures for promoting and encouraging the production, exchange and representation of recreational films intended specially for children, which would amuse them whilst contributing to their intellectual and moral progress.

#### IV. — REFUGEE RELIEF.

In 1928, the Assembly decided to study the possibility of a final and prompt solution of the refugee problem through an advisory commission. This body which was appointed by the Council in December, 1928, drew up conclusions and proposals which, rejecting any radical solution of the problem, provided for the temporary maintenance of the High Commission, as well as the ultimate winding-up of the relief work. These conclusions and proposals were adopted in September, 1929, by the Tenth Assembly.

The Assembly also decided to place under the League's direction the settlement of Armenian refugees in the Republic of Erivan. As expectations regarding the financing of this work were not fulfilled, the Assembly decided in September 1929, that the League should, for the moment, cease its connection with the scheme.

1. *Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.* — The Advisory Refugee Commission is composed of representatives of twelve Governments

(Bulgaria, China, Czechoslovakia, Estonia, France, Germany, Greece, Italy, Latvia, Poland, Roumania, Yugoslavia). Its meetings are attended by experts recommended by the Advisory Committee of Private Refugee Organisations.

At its first session, which was held in May 1929, the Commission drew up the following conclusions and proposals :

It is impossible to contemplate an immediate radical solution of the refugee problem either by their assimilation in countries where they are residing, or by repatriation. Naturalisation, the Commission considered, was a favour which should not be granted indiscriminately to all candidates. On the other hand, it would be contrary to the principle of individual liberty to constrain foreigners, even persons without nationality, to seek naturalisation. Requests to such effect were favourably received by many countries which had made special arrangements to facilitate naturalisation. The Commission recommended that the States in question should continue to apply this method and that other States should adopt it.

The return of refugees to their countries of origin depends solely upon the laws of those countries and in no way upon the High Commissioner. This method encounters very serious difficulties, and the Commission considered that it was impossible to compel refugees to return, but that they should not be discouraged from doing so if they so desired.

Since it seemed impossible to apply the above radical solutions, the Commission thought that it would be equally impossible to suppress immediately the High Commission. The High Commissioner, having observed that a period of ten years would be necessary, but also sufficient, for the termination of his general work and settlement operations, the Commission proposed to agree to this time-limit, while stating that it would consider it an advantage if the period could be shortened. It considered, moreover, that, during this period, Governments should examine the possibility of taking over those activities of the High Commissioner which it would be necessary to continue afterwards.

The Commission approved the High Commissioner's programme, which includes comprehensive arrangements for refugee settlement. For the relief of invalid refugees, the Commission proposed to authorise the High Commissioner to reserve part of the proceeds of the sale of Nansen stamps. With a view to the practical settlement of the legal status of refugees, the Commission recommended all Governments to adopt and execute the inter-Governmental arrangements of 1922, 1924, 1926 and 1928.

In its report, the Commission drew attention to the advantages of co-operation with the International Red Cross Organisations and various private associations and individuals both as regards settlement work and the relief of refugees unable to work. It considered that an appeal should be made to these organisations and persons to pursue and expand their action with a view to obtaining as much money as possible for the work. The Commission recommended that Dr. Nansen should be authorised to address this appeal to the British United Committee (which includes the Lord Mayors' Fund, the Save the Children Fund, the Friends of Armenia and the Society of Friends), the Jewish Colonisation Organisation, the International Red Cross Organisations, the Near East Relief and the *Union internationale de Secours aux Enfants*.

Of interest also is the progress made during the year in the settlement of refugees who are still without work. Since 1926, two thousand refugees have been established in France on the land and more than one thousand have been transferred to South America; in Syria, eight thousand Armenian Refugees have been established on the land and measures have been taken this year to establish two thousand more. It is hoped that in four years it will be possible to establish a further thirty-two thousand of this category of refugees. The Aleppo, Alexandretta and Beyrouth Camps are rapidly evacuated, and the refugees are housed satisfactorily. During the same period, six thousand refugees found industrial work in France. Considerable progress was made as regards the problem of Constantinople; since 1928, the refugee population in Turkey has been reduced by more than half.

2. *Settlement of Armenian Refugees in Erivan.* — The negotiations conducted by the Council led to promises of participation in this work representing more than £150,000 sterling. This sum is, nevertheless, less than half the necessary minimum for the execution of the programme, subject to which the Armenian Government had agreed to co-operate.

The High Commissioner thought that it might be possible to begin the settlement work on a reduced scale in the hope that further financial aid would be forthcoming when results should have shown that it was possible to settle refugees in satisfactory conditions on this territory. The Armenian Government considered that it was indispensable that a sum of at least £300,000 sterling was necessary for the settlement operations contemplated by the League.

In these circumstances, the Assembly, seeing no immediate prospect of obtaining the rest of the money, noted with regret that the only possible alternative was to recommend that the League should, for the moment, cease its connection with the scheme. It invited the High Commissioner, however, to keep in touch with the movement in favour of the return of Armenian refugees to Erivan and to report to the Council when the moment seemed favourable for the resumption of the co-operation of the High Commission.

#### V. — INTERNATIONAL RELIEF UNION.

The total of six hundred shares necessary for bringing into force the Convention of the International Union of Relief for Populations stricken by Disaster is still far from completion, but undeniable progress was made during the year. The number of ratifications has increased from four to thirteen and includes those of Germany and Great Britain.

The Permanent Committee held a meeting under the presidency of Dr. Külz. This body's mandate is to take or recommend suitable measures for facilitating the working of the Union and to prepare draft regulations.

## VI. — SLAVERY.

Since the Ninth Assembly, the number of ratifications or final accessions to the 1926 Slavery Convention has increased from twenty-four to twenty-eight. The Assembly did not consider this figure as satisfactory; it further noted that the information supplied to the League concerning the progressive abolition of slavery was not sufficiently abundant. It accordingly appealed to States to ratify the Convention and instructed the Secretary-General to collect from all States information concerning the present position as regards slavery.

Mention must also be made of the appointment by the Council of a member of the Commission of Enquiry in Liberia.

1. *The Slavery Convention.* — The four new ratifications, or accessions received in respect of the Slavery Convention are those of Germany, the United States, Estonia and Iraq.

The United States' ratification is accompanied by a reservation according to which the United States Government "adhering to its policy of opposition to forced or compulsory labour except as a punishment for crime of which the person concerned has been duly convicted" does not adhere to the provision of the Convention that compulsory or forced labour may be exacted for public purposes.

The Swiss delegation to the Assembly stated that its Government would not hesitate to contemplate accession, if such a measure were of assistance for the execution of the Convention, the Assembly expressed the opinion that any decision of this kind taken by States which, like Switzerland, were not directly concerned in the question, would constitute a genuine moral asset towards the general application of the Convention.

As comparatively few Governments (Spain, Great Britain, India, Portugal and the Sudan) had forwarded information concerning the progressive abolition of slavery, the British delegate, Lord Cecil, drew the Assembly's



attention to the small number of such communications, as well as to the small number of ratifications received. He proposed to revive the Temporary Slavery Commission which had prepared the Convention of 1926, in order to consider the causes of this situation. The Assembly considered that, in view of the changes in the situation and the fact that a very short time had elapsed since the signature of the Convention, it would be preferable to endeavour to obtain further ratifications, to tabulate the results of the application of the Convention and to collect information on the present state of the problem.

*2. Request of the Liberian Government.* — At the request of the Liberian Government, the Council invited its President, assisted by the Rapporteur, to appoint a member of the International Commission set up by the Liberian Government to enquire into the alleged existence of slavery or forced labour in Liberia.

The Commission will be composed of three members, one appointed by the Liberian Government, one by the United States, and one appointed by the Council.

The Liberian Government says in its request :

" For some time the Liberian Government has been the victim of a systematically organised campaign to persuade public opinion, and especially Members of the League of Nations, that slavery and forced labour are still rife in Liberia as a recognised social system, despite the efforts made by the League of Nations for the defence of human liberty, and despite the abolition of slavery proclaimed by the International Convention concluded in Geneva in September 1926, a Convention to which the Liberian Government is a signatory . . .

The Government's policy and the Republic's social and economic life have always been based on the principle of condemnation of slavery in all its forms. The Government has begun by declaring every form of slavery and forced labour and condemning them as illegal under penalty of severe punishments, while at the present moment all slavery or traffic in slaves in the Liberian Republic is severely prohibited, severely punished, and severely condemned by public opinion.

"On the other hand, it will be easily understood that an inveterate scourge cannot be extirpated root and branch in the space of a few years. However, owing to the energetic measures taken by my Government during the last twenty-five years, the practice of slavery and forced labour has, little by little, been considerably diminished, and it can be asserted to-day that slavery and forced labour are not longer practised in principle as a normal social system in Liberia."

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## CHAPTER XIII

### MISCELLANEOUS QUESTIONS

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- I. The new League Buildings. Laying of the Foundation Stone. — II. Reorganisation of the League Secretariat, the International Labour Office and the Registry of the Permanent Court. — III. Budget. Election of the Supervisory Commission. — IV. Arrangements for the Assembly. — V. Reduction of the Number of Council Sessions.

#### I. — THE NEW LEAGUE BUILDINGS. LAYING OF THE FOUNDATION STONE.

The plans for the new League buildings were finally adopted and the foundation stone was laid on September 7th, 1929. On this occasion, speeches were made emphasising the importance of the event by the President of the Assembly, M. Guerrero (Salvador), the Acting President of the Council, Ali Khan Foroughi (Persia), the President of the Swiss Confederation, M. Haab, and the Secretary-General of the League, Sir Eric Drummond.

A small covered stand was reserved for the speakers, the General Committee of the Assembly, the Committee of Five supervising the building of the new premises, the representatives of the Federal and Genevese authorities, the Deputy Secretary-General, the Under Secretaries-General, the Director and Deputy-Director of the International Labour Office, the representatives of international institutions placed under the direction of the League, and the President of the International Federation of League of Nations Societies.

Opposite the small stand a large open stand of about twelve hundred seats was set up. The centre was reserved for delegations to the Assembly and the two sides for journalists and officials of the League Secretariat and the International Labour Office.

A leaden casket was enclosed in the foundation stone, containing a copy of the Covenant, specimens of the currency of all States Members and a parchment document in thirty-two languages recording the date of the ceremony, the nature of the building and the names of all States Members of the League. This document also mentions that the laying of the stone took place during the tenth ordinary session of the Assembly.

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The designs of the five architects have been adopted, but certain points remain to be settled, of which the most important is a detailed estimate, which will be established at the same time as the building plans. The total estimate, which will include credits for the buildings and for the external works, will be submitted to the Assembly later.

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Certain Governments and private individuals having already offered gifts towards the construction and decoration of the buildings, the Assembly decided that a definite procedure should be adopted. It decided that all offers should be addressed to the Building Committee which, after consulting the architects, might accept the gifts or make alternative suggestions. The Assembly recalled that gifts should be in harmony with the general scheme of the future buildings and that they should be sent in time to avoid unnecessary expense. It suggested that they might be divided into three categories ;

1. Materials for construction or for external decoration.
2. Interior decoration (preferably the complete decoration or panelling of a room).
3. Furniture or moveable objects of art.

Offers falling within the first category should be received not later than December 1930, those in the second category not later than December 1931, and those in the third category not later than December 1932.

## II. — ORGANISATION OF THE LEAGUE SECRETARIAT, THE INTERNATIONAL LABOUR OFFICE AND THE REGISTRY OF THE PERMANENT COURT.

Last year the Assembly expressed the opinion that, although the Staff Regulations of the Secretariat and the International Labour Office and the Registry of the Court had, in general, proved satisfactory, certain modifications would appear desirable. It accordingly instructed the Secretary-General to proceed to an enquiry on the subject.

Immediately after the Assembly of 1928, the Secretary-General appointed a committee of five officials to study the question. All the members of the Secretariat were entitled to communicate their views, and the staff constituted a Committee of its own, whose conclusions were examined by the Secretary-General's Committee.

On the basis of the material thus collected, the Secretary-General prepared a report which he communicated to the Director of the International Labour Office and the Registry of the Court and forwarded to the Supervisory Commission in June, 1929, with the observation of these two bodies.

That Commission was impressed by the complicated character of the problem and the important financial consequences it entailed. It considered that there would be many disadvantages in submitting to the Assembly conclusions which had not been adequately examined and undertook to continue its study of the problem and submit its report to the eleventh session of the Assembly.

The question was, nevertheless, the object of a protracted discussion in the Fourth Assembly Committee, in connection with draft resolutions submitted by the British and Italian representatives, both of whom recommended the appointment of a special commission to study the organisation of the Secretariat. In the course of the discussion, some delegates suggested that the Assembly should immediately adopt certain guiding principles, whilst others considered that the Commission should have entire freedom in this respect.

Both the Fourth Committee and the Assembly noted these draft resolutions and decided to set up a Commission of Enquiry of thirteen members to study what steps should be taken to ensure in the future, as in the past, the best possible administrative results for the Secretariat, the International Labour Office and the Registry of the Court.

This Commission is composed as follows : M. Adatci (Japan), Count Bernstorff (Germany), Lord Cecil (Great Britain), Sir Atul Chatterjee (India), M. Hambro (Norway), Mme. Kluyver (Netherlands), M. Loucheur (France), M. Osusky (Czechoslovakia), [Member of the Supervisory Commission]; M. Quiñones de León (Spain), M. Parra-Perez (Venezuela) [Member of the Supervisory Commission]; M. Scialoja (Italy), M. Sokal (Poland), M. Urrutia (Colombia).

### III. — THE LEAGUE BUDGET.

The League budget for 1930 was fixed at 28,210,248 gold francs, compared with 27,026,280 in 1929.

The expenditure is divided as follows :

	Gold francs
Secretariat and Special Organisations. .	15,965,256
International Labour Office . . . . .	8,552,011
Permanent Court of International Justice	2,267,981

The sum of 1,425,000 francs was set aside for the League building funds.

The budget circulated by the Secretary-General in June only showed an increase of 200,000 frs. compared with the past year, but owing to several requests for additional credits made during the Assembly, it was increased to 28,210,248 frs., which represents an increase of 1,183,968 frs. compared with 1929.

On this occasion, certain speakers drew attention to the continual growth of the budget, stating that they did not desire to oppose any development in the work, but at the same time it was necessary that such development should be on rational lines. Other speakers drew attention

to the considerable expansion in the League's work during ten years. The credits, they considered, should be proportionate to the League's increased programme, and that programme should prevail over any desire for economy.

The Committee finally invited the Supervisory Commission to submit next Assembly a report on possible improvements in the existing procedure with regard to the submission and examination of requests for supplementary credits.

After approving the budget of the Secretariat, the International Labour Office and the Permanent Court, the Assembly took certain decisions concerning the administration of the income from the Rockefeller grant for the Library. Mr. John D. Rockefeller, Jr., had already paid the Secretary-General the sum of 500,000 dollars as part of the gift of 2,000,000 dollars offered. The Assembly considered that it was desirable to determine the method of administering the endowment, and created a fund to be known as the Library Endowment Fund, the capital and income of which will be maintained separate from the other assets of the League. The capital will be invested and administered by the Secretary-General in such a manner as may be approved by a Committee of three members appointed by the Council—two on the proposal of the Financial Committee and the third on the proposal of Mr. Rockefeller. The income will be applicable only for the purpose of the Library.

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In accordance with the decision taken last year, the Assembly itself elected the members of the Supervisory Commission who, up to the present, have been appointed by the Council. On the proposal of its General Committee, it elected M. de Moltke (Denmark), M. Osusky (Czechoslovakia), M. Parra-Perez (Venezuela), M. Réveillaud (France), Lord Meston (India) and, as substitutes, M. Botella (Spain) and Prince Varnvaidya (Siam).

#### IV. — ARRANGEMENTS FOR THE ASSEMBLY.

On the proposal of the British delegation, the Assembly decided that its next ordinary session should open on

September 10th 1930, instead of the first Monday in September as hitherto. Pending the construction of the new League buildings, it expressed the opinion that the possibility of holding its meetings in premises other than the Reformation Hall—which, owing to the development of the League's work, is no longer sufficiently spacious—should be studied. Finally, it considered the possibility of improving the conduct of its debates and appointed a Committee of Five to study this question and submit a report next year. The Committee was composed of M. Benes, M. Breitscheid, Lord Cecil, M. Motta, and M. Villegas.

#### V. — REDUCTION OF THE NUMBER OF COUNCIL SESSIONS.

The Council decided to reduce from five to four the annual number of its sessions. This question was first raised in March 1927, and the final decision was taken in September 1929.

The sessions will henceforth open on the third Monday in January, the second Monday in May and three days before the Assembly. The fourth session takes place immediately after the election by the Assembly of the non-permanent Members of the Council.

It was understood that this system should be regarded as an experiment and that the old system could at once be reverted to if experience showed that it was necessary.

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## CHAPTER XIV

### ACTION TO BE TAKEN ON THE ASSEMBLY RESOLUTIONS OF 1929.

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The following is a list of the new duties which the League will be called upon to perform as a result of the resolutions of the Tenth Assembly. This list does not include the meetings of the Council and the Permanent Committees and the regular work of the Secretariat and other Organisations.

#### *Arbitration, Security and Reduction of Armaments.*

A study of the relations between Articles 12 and 15 of the Covenant and the Paris Pact.

A study of the question of the ratification of conventions concluded under the auspices of the League.

A study of the Finnish proposal to confer upon the Permanent Court jurisdiction as a tribunal of appeal in respect of international arbitral tribunals.

A meeting of the Arbitration and Security Committee to study the draft convention on financial assistance; the transformation into a general convention of the Model Treaty for Strengthening Means of Preventing War; facilities for aircraft.

Meeting of the Preparatory Commission for the Disarmament Conference.

#### *Economic Questions.*

Convocation of a Tariff Truce Conference as soon as possible after the end of January, 1930; eventually a

Conference of the Governments concerned to discuss the coal and sugar problems.

*Health.*

Co-operation with the Health Services of Bolivia and China.

*Intellectual Co-operation.*

Meeting of a Committee for the revision of the organisation and programme of the Committee on Intellectual Co-operation.

Meeting of the Sub-Committee of Experts for the Instruction of Young People in the Aims of the League.

*Social and Humanitarian Questions.*

Preparation and convocation of a Conference of Governments for the limitation of drug manufacture.

*Organisation of the Secretariat and the Assembly.*

Work of the Committee on the Organisation of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice.

Work of the Committee on the improvement of the arrangements for the Assembly.



